

**PROCEEDINGS
OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
ATLANTIC MENHADEN MANAGEMENT BOARD**

**August 17, 2005
Alexandria, VA**

Approved February 23, 2006

These minutes are considered draft until they are reviewed and approved by the Atlantic Menhaden Management Board at their next meeting.

ATTENDANCE

Board Members

Lewis Flagg, ME DMR
George Lapointe, ME DMR
Patten D. White, ME Gov. Appte
Sen. Dennis Damon, ME Leg. Appte
John Nelson, NH F&G
G. Ritchie White, NH Gov. Appte.
Dennis Abbott, NH, proxy for Rep. Mary Ann
Blanchard
William Adler, MA Gov. Appte.
David Pierce, MA DMF
Vito Calomo, MA, proxy for Rep. Anthony J. Verga
Mark Gibson, RI DFW
Everett Petronio, RI Gov. Appte.
Gil Pope, RI, proxy for Rep. Eileen S. Naughton
Eric Smith, CT DEP
Sen. George L. Gunther, CT Leg. Appte.
Dr. Lance Stewart, CT Gov. Appte.
Pat Augustine, NY Gov. Appte.
Gordon Colvin, NY DEC
Brian Culhane, NY proxy for Sen. Johnson
Erling Berg, NJ Gov. Appte.
Bruce Freeman, NJ DF&W

Ed Goldman, NJ, proxy for Assemblyman Robert
Smith
Jeff C. Tinsman, DE Div F&W
Bernard Pankowski, DE proxy for Sen. Robert
Venables
Howard King, MD DNR
Russell Dize, MD, proxy for Sen. Richard Colburn
Bill Goldsborough, proxy for Bruno Vasta, MD Gov.
Appte.
A.C. Carpenter, PRFC (Vice Chair)
Jack Travelstead, VMRC (Chair)
Cathy Davenport, VA, Gov. Appte.
Niels Moore VA, proxy for Sen. John Chichester
Preston Pate, NC DMF
Robert Boyles, Leg. Appte.
John Frampton, SC DNR
Spud Woodward, GA DNR
John Duren, GA, Gov. Appte.
Gil McRae, FL FWCC
Steve Meyers, NOAA Fisheries
David Perkins, USFWS

Ex-Officio Members

Behzad Mahmoudi, Technical Committee Chair

William Windley., Advisory Panel Chair

Staff

Vince O'Shea
Robert Beal

Nancy Wallace
Braddock Spear

Guests

Anne Lange, NMFS-State-Federal
Joseph W. Smith, NMFS- Beaufort NC
John Hocesvar, Greenpeace
Buffy Baumann, Greenpeace
Amy Schick Kenney- Environmental Defense
Dick Brame, CCA
Sherman Baynard, CCA MD
James Price, CBEF
Richard Novotny, MSSA
Ed Cherry, JCAA
Dan Dugan, RFA- Delaware
Paul Hudson, Swidler Berlin
Clint Waters, MSSA
Charles Hutchinson, MSSA
Tom McCloy, NJ Div Fish & Wildlife
Lew Flagg, ME DMR

Gene Kim, House Resources Committee
Julia Kriz, Greenpeace
Daniel Sides, MSSA, RFA
Toby M. Gascon, Omega Protein
John Held, Omega Protein
Sean McKeon, NC Fisheries Association
Scott Harper, The Virginian Pilot
Shaun Gehan, Collier Shannon Scott
C.H. Williams
Robert O'Reilly, VMRC
Roger Frale, Lobster Fisherman
Joan Frale, Owner fishmarket
Leo S. Robbins, OME
Lyell Jett, Omega Protein
Jimmy Kellum, VA Bait Assoc.
Jeff Hayden, Greenpeace

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Susan Gaston, Omega Protein
Jeff Kaelin, Omega Protein
Tom Blencowe, Omega Protein
Bob Watson, MSSA, CCA, RFA
Ben Landry, Omega Protein
Carol Forthman, American Sportfishing Assoc.
Peter Burns, NMFS
Chip Lynch, NOAA
Beth Fitzgerald, Greenpeace
Chris Dollar, Ches. Bay Foundation
Kert Davies, Greenpeace

Dr. Eugene J. Kray, RFA-PA
Ed O'Brien, MCBA
Phil Jones, MD DNR
Gina Hunt, MD DNR
Steve Minknen, USFWS
Bennie Williams, USFWS
Matt Baraket, AP
Derek Orner, NOAA Ches. Bay
Ken Hinman, NCMC

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Summary of Motions

Move to grant SC and GA *de minimis* status.

Motion made by Mr. Carpenter, second by Mr. Augustine. Motion carries.

Move to accept the FMP Review.

Motion made by Mr. Augustine, second by Mr. Lapointe. Motion carries.

Move that the Menhaden Board accept the research recommendations from the Technical Committee and recognize that they have fulfilled all of the requirements from the May 2004 motion regarding menhaden workshops.

Motion made by Mr. Lapointe, second by Mr. Augustine. Motion carries unanimously.

Move that the Menhaden Board express support for the LIDAR proposal as recommended by the Technical Committee.

Motion made by Mr. Lapointe, second by Mr. Augustine. Motion carries unanimously.

Move that the existing adaptive management measures remain intact, and that we adopt Option #1 of Issue #1 of the Management Options of Addendum II, conditioned on the harvester's assurance of the following:

- **The Chesapeake Bay reduction harvest not to exceed 131,000 mt/year;**
- **Effective in years 2005 through 2009;**
- **Overages will be deducted in full the following year;**
- **Under-harvest will be returned to the stock (i.e., no carry over);**
- **Support and participation in the menhaden research activities outlined by the Technical Committee; and**
- **Above-mentioned cap to be reduced if existing CPUE or size/length frequency triggers are tripped.**

Motion made by Mr. Carpenter, second by Mr. Meyers. Motion fails.

Move to implement a 5-year annual cap, beginning in 2006, of the landing of Atlantic menhaden caught in Chesapeake Bay by the reduction fishery, to be the mean annual landing by the reduction fishery in Chesapeake Bay for the 5-year period ending in 2004, as determined by the Menhaden Technical Committee, and for any overages in any year to be subtracted from the subsequent year, and any underages not to be added to the subsequent year.

Motion made by Mr. King, second by Mr. Augustine. Motion carries with 12 in favor (ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, SC, GA), 2 opposed (VA, NC), and 3 abstentions (FL, NMFS, USFWS).

Move that the harvest be ended at 100%.

Motion made by Mr. Augustine, second by Mr. Tinsman. Motion carries by voice vote with 2 abstentions.

Move to approve the research agenda in Addendum II.

Motion made by Mr. Goldsborough, second by Mr. Nelson. Motion carries unanimously by voice vote.

Motion to accept the final Addendum II with changes as noted.

Motion made by Mr. Augustine, second by Mr. P. White. Motion carries with voice vote.

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**ATLANTIC MENHADEN MANAGEMENT
BOARD**

**RADISSON HOTEL OLD TOWN
Alexandria, Virginia**

AUGUST 17, 2005

The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel Old Town, Alexandria, Virginia, August 17, 2005, and was called to order at 12:30 o'clock p.m. by Chairman Jack Travelstead.

CALL TO ORDER

CHAIRMAN JACK TRAVELSTEAD: Ladies and gentlemen, if you'll take your seats, we'll call the meeting to order, please. Thank you all for coming. This is the Atlantic Menhaden Management Board. I appreciate all of you being here.

We have a very lengthy agenda and not a lot of time to get through it. We are going proceed as quickly as we can through some of the easier issues to allow sufficient time for the board members to have to debate the various issues.

APPROVAL OF AGENDA

The second item on the agenda is the approval of the agenda. Is there any objection to the agenda as it is now printed? Seeing none, the agenda stands as it is presented. Vince, you had some opening comments?

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. Now that you have approved the agenda, just a point from the staff's perspective. In allocating your time this afternoon, the staff looked at the issues that need to come before this board. It was our view that we have allowed sufficient time for you to resolve those issues.

I just want to note that following this board, we scheduled the American Lobster Board later in the

afternoon. I would probably put a place marker in, Mr. Chairman, that as you approach the termination time of this board meeting, I'll be reminding you of the need to convene the Lobster Board as well. So, we think there's sufficient time here, if the board allocates it's in an effective way. Thank you.

PUBLIC COMMENT

CHAIRMAN TRAVELSTEAD: Thank you very much, and I certainly will appreciate the board members assistance today in ensuring that we keep with the schedule that is laid out on the agenda.

Before we get to public comment, I would like, with the board's indulgence, to lay out a few ground rules as to how we will proceed through the meeting and ask for your concurrence.

First, it is my intention that we not accept further public comment on Addendum II at this meeting. The staff has held some 12 public hearings up and down the Atlantic coast and have, in fact, received over 26,000 individual comments on Addendum II.

There's a volume of oral comments made at the public hearings, as well as volumes of written comments received on all side of this issue.

I think the purpose of today's meeting is to allow time for the board members to review that information and to fully deliberate all sides of the issue and decide which direction to go. So, based on that, unless I hear objection from the board, we will not accept further public comment on Addendum II.

Now, there will obviously be motions made, as we move into the agenda, on Addendum II. My plan there to involve the public will be this; that once a motion is made, I will ask for a second to the motion; and upon receiving that, I will go back to the maker of the motion and allow them to speak to their motion.

That will then be followed by all the comments from all of the board members desiring to comment on the motion. Before the board votes on a motion, I then intend to go to the members of the public briefly and take comment on the motion.

We'll proceed in this fashion. We will take one comment in favor of the motion; the second comment will be opposed to the motion. Each person will be given about a minute to speak. They will have to

speaking directly to the motion and state why they favor it or don't favor it.

We will proceed in that manner until we run out of public comment on either particular side. At that point, we will cut off the public comment and bring it back to the board for a vote. Let me ask, then, is there any objection to using that procedure here today? Eric.

MR. ERIC SMITH: Thank you, Mr. Chairman, no objection. However, I would suggest that if there are a number of hands in the audience, it would be appropriate to say, "Well, we've had three for and three against, and we need to move on." Otherwise, lots of hands in the audience could absorb all our time.

CHAIRMAN TRAVELSTEAD: Right, thank you. I appreciate that advice. Okay, the next agenda item is fifteen minutes' worth of public comment. This is always on our agenda. It's purpose is there to allow members of the public to comment on items that are not on today's agenda.

Are there any members of the public who wish to speak to the board today on issues that are not before them today? Yes, sir, Mr. Price.

MR. JAMES PRICE: Thank you, Jack. My name is Jim Price, President of the Chesapeake Bay Ecological Foundation. I would like to ask the commission to consider funding a predator-prey monitoring program that was initiated this past winter and examined 390 large migratory striped bass on their winter feeding grounds off the coast of North Carolina.

This program collected more diet information in the first year than has been collected during the past seventeen years by the U.S. Fish and Wildlife Service on their winter annual survey.

This information is critical to understanding the influence large striped bass have on their most important prey, Atlantic menhaden, which contributed 78 percent to their diet by weight. Older age 2 plus menhaden represented 69 percent of the menhaden consumed by weight in our survey.

I would also ask the board to consider allowing the Menhaden Technical Committee to meet in September so that new information concerning natural mortality that would dramatically alter the

estimated population of age of menhaden be made available for their review.

I believe the next stock assessment should be conducted as soon as possible. The assessment should include information now available from recent published data that has emphasis on predation of Atlantic menhaden.

Dr. Overton has tried to contact Lance Garrison and provide some of this information to him before the deadline on the 15th and he did not receive any returned phone calls.

We have critical information that this board needs to look at; the technical committee needs to look at it; it needs to be incorporated in the multi-species VPA.

I think the commission should really consider — the Fish and Wildlife Service has considered helping finance this program, and this is the kind of information I would hope the commission would also take an interest in. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Mr. Price. Are there any other comments from the public? Yes, sir.

MR. JOHN HOCEVAR: Good afternoon. I am John Hocevar with Greenpeace, an organization representing 2.5 million members. I'll skip right to it, I guess. I would like to say that's it's outrageous that a paid representative of the reduction fishery is allowed to sit here and steer the decisions of this commission.

I would ask Omega Protein's representative to recuse himself from discussions today, which represent a conflict of interest. Failing that, I would urge the commission to decide today to adhere to commonly held ethics' standards and move to ensure that those with conflicts of interest abstain from relevant discussions and votes. Thank you.

CHAIRMAN TRAVELSTEAD: Any other public comment? Seeing none, we're going to move on to Item 5, FMP Review and State Compliance Reports. Nancy is going to take us through that.

FMP REVIEW AND STATE COMPLIANCE REPORTS

MS. NANCY WALLACE: Thank you, Mr. Chairman. I'm going to run through the Atlantic Menhaden FMP Review and the State Compliance Reports quickly.

The PRT met by conference call to discuss the FMP Review. I will move right into it. Just some background. The status of the fishery management plan; again, Amendment 1 was approved in 2001.

Addendum I was approved in 2004, last summer. It established new reference points, changed the frequency of the assessment and updated the habitat section. As you are all very much aware, we are now in Addendum II, which was initiated in February and is currently in review.

Status of the stock: On a coast-wide basis, the status is not overfished and overfishing is not occurring. However, we do not know any status of the Chesapeake Bay. In 2002, which was the last year of the assessment, the population fecundity was 40.6 trillion eggs, which was well above the target of 26.6 trillion eggs.

The fishing mortality in 2002 was 0.79, which was above the target of 0.75, but below the threshold of 1.18. Recruitment has failed the most since the last stock assessment, and it was 2.5 billion fish in 2002, which was below the 26 percentile.

Status of the fishery: This section was updated to include the 2004 harvest numbers. Harvest reduction in 2004 for reduction purposes was 184,450 metric tons, which was 11 percent more than the 2003 season and 1 percent more than the average landings for the previous years.

The effort was 345 vessel weeks in 2004, which was up 14 percent from the previous year. There were a total of 13 reduction purse-seine vessels landing menhaden in 2004, which was one more than in previous years.

Landing of the Bait Fishery: All gears in 2004 amounted to 34,743 metric tons. This was 16 percent of the combined total Atlantic menhaden landings. The major portion of these bait landings were harvested from New Jersey and Virginia waters.

Status of Assessment Advice: Dr. Mahmoudi, who is the technical committee chair, will be going in this with further detail, but it is included in the PRT Report. In June 2005 the technical committee reviewed the catch-per-unit effort, the catch at age, and the indices from the 2003 stock assessment.

They have calculated the triggers that are set in Addendum I and found that those triggers had not

been violated this year. They have recommended that a stock assessment not be conducted this year.

The next scheduled stock assessment would be in 2006. This is not a peer-reviewed assessment. This would be what we call a turn-of-the-crank assessment, with the peer-reviewed assessment coming two years later.

Status of Research and Monitoring: The National Marine Fisheries Service Beaufort Lab in North Carolina has the principal research and monitoring responsibility. The PRT recommends that this continue.

In 2004 the Atlantic States Marine Fisheries Commission held a workshop to examine the menhaden with respect to its ecological role. I think the board has been briefed on that workshop and all findings can be found on our website.

The technical committee has determined a list of research priorities with budgets and timeframes to examine the potential for localized depletion in the Chesapeake Bay. Dr. Mahmoudi will go into more detail with this as well in the technical committee report.

Status of Management Measures: Right now, as you all know, there are no regulatory recommendations or compliance criteria contained in Amendment 1 or Addendum I.

The only compliance requirement is that all states are required to implement a reporting requirement that all menhaden purse-seine and bait-seine vessels be required to submit the captain's daily fishing reports or some type of monitoring requirement of all purse seines that they had in place prior to the passing of Amendment 1.

The PRT reviewed all of the state compliance reports and discussed whether each state was in or out of compliance. What we found was that all states, except Massachusetts and Rhode Island, are in compliance.

The PRT is not recommending that we find Massachusetts or Rhode Island out of compliance. Right now what the situation is, is that these states don't have a reporting requirement in place for their bait purse-seine vessels. However, all of those landings are being required, so this is more of a technicality than an actual out-of-compliance issue.

The PRT would like to work with Massachusetts and Rhode Island and make sure that these are in place by next April 1st, when the compliance reports are due. That's something that the board can discuss, if they would like, afterwards.

EXECUTIVE DIRECTOR O'SHEA: The landings are being reported. You said the landings were being required.

MS. WALLACE: I'm sorry. Thank you, Vince, the landings are being reported right now. South Carolina and Georgia have requested de minimis status, and the plan review team recommends they should be granted de minimis, but still submit annual compliance reports. In the past, the board has granted South Carolina and Georgia de minimis status.

One other recommendation that the plan review team had was they request that all menhaden bait landings are reported to the technical committee. Even though the compliance criteria is related to the purse-seines only, there are many other gears that catch menhaden for bait, and we want to make sure we have all the landings. This has been happening. We just wanted to put it in the report to make sure it continues.

Regulatory Recommendations: The plan review team has no recommendations relating to options included in Addendum II. Other than that, there are no further regulatory recommendations at this time.

The research and recommendations are all in the document. They have just been updated a little bit to show what's been ongoing and include the prioritized list from the technical committee, which they came up with in June 2004 and reiterated this year. Those are all included in the document. That's the end.

CHAIRMAN TRAVELSTEAD: Bob, did you have a comment?

MR. ROBERT BEAL: Thank you, Mr. Chairman. I just wanted to make a couple of quick comments on the timing and process of the FMP Review. This year, as everyone is aware, there's been a pressing workload with Atlantic menhaden, the public hearings, preparation and background work for Addendum II.

Also, a number of states submitted their annual compliance reports after the April 1st deadline, and there have been questions regarding the timing of the distribution of this document.

It was mailed out about ten days ago. I think the management board has had it and has had a chance to review it. This document was also prepared to include the information on the stock assessment triggers that are included in Addendum I. That information was not available until the June technical committee meeting, which took place at the end of June.

I think the important part here is, as Nancy mentioned, the stock assessment information and the status of management is very similar in this document to the previous year's documents. The status of the stock is all based on the 2003 peer-reviewed stock assessment.

The document has simply been updated to reflect the '04 workshop, the landings and the state compliance reports. I just wanted to highlight the process that was used to develop the document.

CHAIRMAN TRAVELSTEAD: I appreciate that very much. Thank you for that update. Are there questions or comments on the report, questions of Nancy? Does Rhode Island or Massachusetts wish to comment on the reporting issues? David.

DR. DAVID PIERCE: Only that Nancy pointed out that the best approach is for the PDT to work with us to get this finalized. Right now we have no menhaden fishery in our waters, and there is no interest in our waters, lack of fish, so it really hasn't been of high priority.

We do get a report of the landings, anyway, through other means. But, it is a technicality, and we'll work with Nancy and the rest to iron this out.

CHAIRMAN TRAVELSTEAD: Okay, Mark.

MR. MARK GIBSON: Yes, I would say basically the same thing. I think in 2003 and 2004, I don't even think the fishing vessel showed up for lack of fish. I think they did make several trips this year, but the landings have been coming in through other means. I will look into it when I get home, along with Nancy, and see what we can do to meet that requirement.

CHAIRMAN TRAVELSTEAD: Thank you. Are there any further comments on that issue? **Seeing none, there's the question of Georgia and**

South Carolina requesting de minimis. Can we get a motion to accept or deny? A.C.

MR. A.C. CARPENTER: **So moved, Mr. Chairman.**

CHAIRMAN TRAVELSTEAD: **Seconded by Pat Augustine. There is a motion to accept the requests of Georgia and South Carolina for de minimis status. Are there any comments on the motion? Seeing none, all those in favor of the motion, say aye; opposed, no. The motion carried.** I assume there were no abstentions or null votes. **The motion carried. Do we need a motion to accept the report?**

MR. AUGUSTINE: **So moved.**

CHAIRMAN TRAVELSTEAD: **Motion made by Pat Augustine to accept the report; seconded by George LaPointe. Comments on the motion? Is there any objection to the motion? The motion carried; the report is accepted.** We are going to move on to the next item, the technical committee report, Dr. Mahmoudi.

TECHNICAL COMMITTEE REPORT

DR. BEHZAD MAHMOUDI: Thank you, Mr. Chairman. For the record, my name is Behzad Mahmoudi, chairman of the Menhaden Technical Committee. I am here today to give you an update of the last technical committee meeting we had on June 29th in Manchester.

Due to concern over the Menhaden Research Program, we spent a great deal of time on the current Menhaden Research Program being proposed for NOAA funding and Atlantic States Marine Fisheries Commission funding for this upcoming fiscal cycle.

We were scheduled to review the stock assessment triggers stated in Addendum I. I just moved on to give you the details on our discussion on the Menhaden Research Program. The TC reviewed the priority research. We briefly reviewed what we actually developed at our June 2004 meeting.

That priority research focuses on the possibility of the localized depletion question in the Chesapeake Bay, which were to determine menhaden abundance in the Chesapeake Bay; determine estimate of removal of menhaden by predators; exchange of menhaden between the bay and coastal system; and larval studies, determining recruitment to the bay.

We feel at this point we have fulfilled the requirements set forth in the May 2004 motion. We would really like at this point to put a closure on that and get these studies underway and have them done in the next few years and be able to evaluate them and examine to see if they are going to help us with the question of localized depletion.

We also reviewed the research studies selected or the ones that were highly likely to be funded by NOAA's Chesapeake Bay Office, and Derek is here to give you a little bit more detail a little later on for this upcoming funding cycle.

We spent some time reviewing the Menhaden Research Project funded by the Atlantic States Marine Fisheries Commission, specifically on the LIDAR Study.

Under the NOAA Chesapeake Bay Office proposed research, Derek provided us with a summary of projects that likely will be funded for the upcoming funding cycle. We reviewed the objective, methods and expected results from these studies and compared them against TC and board research priorities.

Overall, the TC believed that NOAA's proposed projects match our objective, and we agreed that they would considerably increase our knowledge concerning the possibility of localized depletion. We agreed that a workshop should be held in about two years to review the data generated from this funded study.

Then we moved to look at the proposed research study funded by the Atlantic States Marine Fisheries Commission. Bob presented an update on the funding of two menhaden research projects, one LIDAR and the other one a menhaden and striped bass growth study through the Atlantic Coastal Fisheries Cooperative Management Act for fiscal year 2005.

We spent a great deal of time discussing and evaluating the proposed LIDAR Study by Maryland, Virginia and U.S. Fish and Wildlife. As you know, this study is designed to address the Priority A, determining abundance of menhaden in the Chesapeake Bay.

After a great deal of discussion on the methodology, we suggested some modification to survey methodology and data collection, including recording

of environmental data and addition of an active or retired spotter pilot.

We also reviewed and discussed the presentation by Omega Protein on their experience with LIDAR, LANDSAT and other methodologies, and we really thanked them for their input into that whole process. It was very valuable input we had that day.

We addressed some of the questions concerning the proposed LIDAR Study. I believe we didn't answer all the questions, but we felt that this pilot study perhaps would answer the remaining questions that they would have.

At the end of the LIDAR discussion, we endorsed the proposed LIDAR Study as a two-year feasibility study to test all the gears, all aspects of sampling and data collection to see if we can develop a sampling program for a valid survey.

I want to emphasize we agreed that we will not have an abundance estimate from the pilot study at the end of the two years. What we feel is going to happen is this study needs to get underway; data gets collected, evaluated; and if it's successful, then we can develop a statistical sampling design that will help us to develop abundance indices. This is for the adult population and combined with the juvenile survey, we should have a complete picture of abundance estimates in the Chesapeake Bay.

Then we had discussion on the stock assessment. In fact, we reviewed the stock assessment triggers. We reviewed two triggers that are included in Addendum I to determine if the stock assessment update is necessary in 2005.

The first trigger is met if the CPUE Index falls below the fifth percentile for the past 20 years. The second trigger is met if the ratio of ages two to four, if the total catch of all ages falls below the second standard deviation unit over the last 20 years.

As you can see in these two figures, the top figures, on the Y-axis you have CPUE measurements and the X-axis from 1986 to 2004. The black line represents the coast-wide CPUE, and the red line represents the fifth percentile CPUE.

As you can see, for most of the time series, we have been above that fifth percentile. Especially in the past two years, the indices have been above the fifth percentile CPUE.

On the figure below is the coast-wide proportion of the two to four year classes to all age classes. On the Y-axis you have the proportion, and, again, the time series is from 1985 to 2004. The entire time series, the proportion of ages two to four have been above the two standard deviation.

Based on those results, we agreed that the stock assessment was not required because neither of the triggers have been met. As Nancy mentioned, the next scheduled stock assessment will take place in 2006.

Other issues that we discussed in that one-day technical review — A.C. Carpenter presented a summary of landing-and-effort data and then also CPUE indices; and for the two time series, 1964 to 1993 and 1976 to the present time.

He concluded that the low Maryland juvenile index and CPUE values had been seen before in the late sixties and early seventies, and the CPUE has remained relatively stable for the past 16 years as have the Potomac River landings.

We agreed that this analysis have merit and should be further reviewed in preparation for the next stock assessment and should be included if they are a valid time series and analysis.

We also reviewed the North Carolina, Virginia, and Rhode Island survey indices. In the top left figure you see the Virginia Beach Seine Survey for juvenile menhaden. It's a figure you have seen, the declining trend in menhaden juvenile indices in recent years, and for 2004 it has basically remained the same as the previous four or five years.

The North Carolina Seine Indices is variable, the large fluctuation up and down. The bottom figure for Rhode Island, the survey was started in 1988. Indices have been low through the 1990's. In 2000 and 2002 we had two strong year classes coming to the population. We reviewed those and got the update on those indices.

We also discussed the need for a social-economic study. One of our TC members suggested the need for a social-economic study, including the economic and social impact of a depleted stock in the Chesapeake Bay on the recreational and commercial fishing interests, determine non-fishing social and economic impacts of depleted menhaden stock in the Chesapeake Bay, and social and economic benefits of

a recovered stock in the Chesapeake Bay. With that, I would answer any question you may have.

CHAIRMAN TRAVELSTEAD: George.

MR. GEORGE LAPOINTE: Mine is not a question, Mr. Chairman. I have a couple of motions. Dr. Mahmoudi asked for some board acceptance of some of the recommendations, and I am prepared to make one motion with two parts or two motions, depending on what you want.

CHAIRMAN TRAVELSTEAD: Let me just ask you to hold off and see if there are any questions on the report, and then I promise to come right back to you for the motions. Are there questions of Dr. Mahmoudi on his report? Mark.

MR. GIBSON: Would you just review for me the basis for the recommendation not to go ahead with the stock assessment, not to update the stock assessment, just on the basis of those two triggers?

DR. MAHMOUDI: Yes, we had for that day's schedule to look at those triggers to determine if we needed a stock assessment in 2005 or not. Those were the only two basis that we discussed.

MR. GIBSON: If I could, Mr. Chairman, I noted you indicated that the last year fishing mortality was above the target but below the threshold. What's been the recent pattern of fishing mortality in the last five years? I haven't seen a graph of that today.

DR. MAHMOUDI: The first mortality rate for the coastwide population has fluctuated around 0.75, the target level. It's been down, up, down, up and up pretty much.

MR. GIBSON: For the board, I understand the nature of the recommendation, the basis for the recommendation. I just think, given all the climate we're all operating in right now, that it would be wise to have a menhaden stock assessment update. That's my view on that.

CHAIRMAN TRAVELSTEAD: The triggers that you looked at to determine whether or not an assessment should be done immediately are contained in the management plan, correct?

DR. MAHMOUDI: Yes, sir.

CHAIRMAN TRAVELSTEAD: So, the management plan specifies the criteria you used; and if they're not hit, then we will proceed under the normal schedule of having an assessment in 2006, correct?

DR. MAHMOUDI: Yes, sir.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Pat.

MR. AUGUSTINE: Mine was a follow on to George, after George's motion.

CHAIRMAN TRAVELSTEAD: Okay. Any other comments or questions? Yes, Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I was just curious. He mentioned localized depletion as one of the areas he's going to be looking into. Those two words have been used a lot lately. I'm still curious as to what we're going to do as far as how do define that?

Hopefully, there will be some guidelines to be given to us; so when we are confronted with those words, that we actually know what that means and we actually can define it and we can characterize as being a certain area, a certain size, a square meter, a square acre, a hundred square miles; in other words, so that we are given some idea as to exactly what that means so that we can fit it into whatever, FMP, or fit it into whatever plans that we may want to make in the future. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Gil. Any comments?

DR. MAHMOUDI: We held a workshop a few months ago, and we discussed in great detail all aspects of the ecology of the Chesapeake Bay, factors that contribute to local depletion. But, you're right, at some point we may have to define local depletion as a management board with certain criteria that may not be all related to ecological aspects of the Chesapeake Bay.

CHAIRMAN TRAVELSTEAD: Pres.

MR. PRESTON PATE, JR.: Dr. Mahmoudi, you only showed two slides of juvenile abundance indices, one from the bay and one from North Carolina. Are those the only two sources of information you have about juvenile recruitment?

DR. MAHMOUDI: No, those were the ones that were prepared for our technical committee meeting. There are other sources of juvenile recruitment, but they are of much shorter time series for us to start really seriously looking at them.

CHAIRMAN TRAVELSTEAD: Any other questions? Howard.

MR. HOWARD KING: Yes, I am glad you got on the record that there will be a stock assessment in 2006. I would like the technical committee to somehow transmit to the commissioners the schedule for that stock assessment. I would hope that it would be initiated as early in the year as possible and completed as soon as possible.

CHAIRMAN TRAVELSTEAD: Who can comment on the schedule for that? Bob.

MR. BEAL: Thank you, Mr. Chairman. I think the normal course of action — and, Behzad, please correct me if this isn't right — is once the previous year's data is available, which is in the April, May or June timeframe, that's when the assessment group gets together and starts compiling the data and initiating the modeling for the assessment.

So, starting it earlier in the year would mean that all the 2005 fishery data would not be included in that assessment. So, the pattern has been to wait for the previous year's data, then complete the assessment, which means it's delivered to the board usually at the August meeting, is what they'll shoot for.

CHAIRMAN TRAVELSTEAD: Any follow-up, Howard? Vito.

MR. VITO CALOMO: Thank you, Mr. Chairman. Just to go along with Preston Pate, Dr. Mahmoudi, please, you talked about the zero year class of fisheries and having the two slides. I don't know what the timeframe is when you say a long series of time. Is three or four years a short time to have that incorporated in a slide of the proportion of the zero year classes?

DR. MAHMOUDI: Are you talking about the time series of juvenile indices for other regions?

MR. CALOMO: Absolutely correct.

DR. MAHMOUDI: I would really like to see anything around ten years. We have used eight

years, but given the fact that these indices are used to tune our stock assessment model, the longer the time series is has a better impact on the sensitivity of models or accuracy of the models in generating those population parameters.

MR. CALOMO: In our area in the Northeast Region, going from Maine to Rhode Island — and other people can speak on this — we have never seen the likes of in the past only four years that I have seen with my eyes -- I was a fish potter back in the eighties — mounds or blankets or amounts of these zero age classes.

We're not used to seeing zero age classes in our areas. Even going back to the early fifties or mid-fifties, we were not used to that, and it was a surprise to us to see, for the past four years that I have seen — it might have been longer — but the last four years that we have seen very large bodies of zero year classes.

I have listened to my brothers from Maine, New Hampshire and Rhode Island express that they have seen large amounts of zero year classes. I know the time frame that you're speaking of is not long enough, but I just want to report that.

Speaking of Matt Cieri, after two years and three years, he's finally recognized that there are large bodies of these zero year classes in the Northeast Region. Thank you.

DR. MAHMOUDI: I think I responded to your question four years is short, and, hopefully, we will continue sampling and we get a good long time series.

CHAIRMAN TRAVELSTEAD: Any further questions? Yes, sir, David.

MR. DAVID PERKINS: Does the research priority of looking at the exchange between the bay and coastal stocks, does that include genetic exchanges as well as looking at the stock structure; or, is that a lower priority?

DR. MAHMOUDI: I don't believe, in examining the review in the last technical committee, the genetic part was not part of that. Maybe Derek can give you a little bit more detail, if there were other studies that actually were proposed and did get funded or not funded. But it was not part of the mix when we reviewed them.

CHAIRMAN TRAVELSTEAD: David, the next agenda item, we're going to talk a little bit about some of the other research that appears to be funded by NOAA. I am not sure if there is a genetic component to it, but if there is, it will come up. Any further questions or comments? Seeing none, back to you, George.

MR. LAPOINTE: Thank you, Mr. Chairman. Again, the technical committee asked for the board to accept the recommendations, and I am going to make two motions just to break this up.

The first one is move that the Menhaden Board accept the research recommendations from the technical committee and recognize they have fulfilled the requirements from the May 2004 motion regarding the menhaden workshop.

CHAIRMAN TRAVELSTEAD: All right, is there a second to the motion? Seconded by Pat Augustine. Comments on the motion? Seeing none, I assume you are ready to vote. Okay, everyone clear on the motion? All those in favor, signify by raising your right hand; opposed, like sign; null votes; abstentions. **The motion carries unanimously.** George, you had another one?

MR. LAPOINTE: **I do have another one in regards to the LIDAR Proposal. Again, to get the board on record, I move the Menhaden Management Board express support for the LIDAR Proposal as recommended by the technical committee.**

CHAIRMAN TRAVELSTEAD: Is there a second? Seconded by Pat Augustine. Comments on the motion? Ready to vote? All those in favor of the motion, say aye; opposed, same sign; null votes; abstentions. **The carried unanimously.** Thank you, George. Anything else, George?

MR. LAPOINTE: That's it for now.

UPDATE ON NOAA MENHADEN RESERACH

CHAIRMAN TRAVELSTEAD: For now, that's what I was afraid of. Let's move on to Agenda Item 7, Update on NOAA Menhaden Research. We're going to hear from Derek Orner. While Derek is coming up to microphone, let me take this opportunity to thank Derek and the NOAA Chesapeake Bay Program for coming forward with some rather significant funding for menhaden research.

As you know, Vince O'Shea and others on the board were successful in obtaining money from congress this year for menhaden research. As much as that was, it was not sufficient to cover all of the topics that the technical committee had laid out that were important research that needed to be done.

As a result of that, the NOAA Chesapeake Bay Program has stepped up with a rather significant amount of funding to cover most of the remaining research items that the technical committee has identified. I certainly want to take this opportunity on behalf of the board to thank the bay program for doing that.

I think that you will find, after Derek's presentation, that the research that has been identified for funding has been closely coordinated to avoid any overlaps. Most, if not all of the topics, are addressed, and I think you'll agree that the available dollars that have been made available for research have been used quite efficiently.

Derek, I appreciate you coming today to get informed on that subject.

MR. DEREK M. ORNER: Thank you, Jack, and thank you for the opportunity to present. I have basically two parts in the presentation. Kind of the beginning was a quick introduction to my office. Again, I am Derek Orner. I am with the NOAA Chesapeake Bay Office.

I thought this would be a good opportunity just to give a quick detailing of exactly what my office does and how we play a role in the Chesapeake Bay. The second part, and, obviously, the more important and more detailed, is the research program that I coordinate.

This is our office. We provide science, service and stewardship within Chesapeake Bay. Our main focus is Chesapeake Bay science. We work closely with the Chesapeake Bay states, the Potomac River Fisheries Commission, Maryland, Virginia, D.C., and Pennsylvania, in providing the science and information behind a lot of the management decisions that the bay makes.

We were established in 1992 to provide a focus for all of NOAA's activities in the bay, so not just the fishery service but also ocean service, weather service. We're working not only with fisheries but also with restoration projects, remote sensing. So, we

really do kind of bring the wealth of NOAA information and expertise to the bay.

The program that I manage is a very strict peer-reviewed fisheries research program. I'll get into the peer review and technical review process. And just a quick few statements on the vision and mission in our office.

We're looking for a healthy and productive Chesapeake Bay Ecosystem. We coordinate as much as we can with the states in providing the information they need for decisions.

One of the big pushes in our office recently, obviously, plays a big role here with menhaden is pushing for an ecosystem plan or ecosystem-based fisheries management. The report up here was the report to congress back in 1999. We've basically taken this document and provided a lot of the information needed to go into ecosystem-based management for Chesapeake Bay.

Looking at the Fisheries Ecosystem Plan for Chesapeake Bay, it clearly describes the structure and function of the bay. It serves an umbrella document to support ecosystem-based approaches to individual-based management plans.

It includes recommended actions to implement ecosystem-based approaches and recommend specific research. A lot of the research that we fund out of our office is not only single- species specific and stock assessment related, but it also looks at addressing kind of the ecosystem context and multi-species aspects in Chesapeake Bay.

Specifically on the Fisheries Research Program — and thank you, Jack, for letting me spend a few minutes there to talk about our office a little bit.

The Fisheries Research Program is a competitive funding supporting research, monitoring and modeling of various Chesapeake Bay fisheries and enables our office to provide that science-based kind of policy support and information to the state managers.

The state managers are the ones that make the decisions in Chesapeake Bay. We provide kind of the objective voice of the science. We fund a number of projects to increase the knowledge and understanding of the Chesapeake Bay Ecosystem.

The next one is just a quick graph just to show you the amount of funds that we put into this research program since 1985. We ended up with a nice increase in 2000. We got an additional earmark for multi-species management and research, so we have been stable, roughly, at about \$1.4 million for our research program in the past three or four years.

These should look familiar to you. These are the menhaden research priorities that the Menhaden Technical Committee put forward in June of 2004. I guess there's probably no reason to really go into them.

The next slide actually is the timeline. This gets into exactly how we went forward with our process. We took the menhaden research priorities that were identified, put out in a request for proposals or in the Federal Register Notice for NOAA. That was issued back in February of this past year.

We gave 60 days for proposals to be submitted to our office. We spent the bulk of the next two months, April and May, going through the technical review process. We go completely outside the Chesapeake Bay Watershed for our review just to avoid any kind of conflict of interest.

We did use the Menhaden Technical Committee pretty substantially for this review, minus the Maryland and Virginia members. I also utilized the National Marine Fisheries Service Science Centers. The Northeast and Southeast Science Centers contributed very heavily to it.

I also went out to the Northwest and Southwest Science Centers to get the review as well. All those technical review comments came back into my office, and I held a panel review in the middle of June that consists mainly of kind of the management entities concerned with the issues in Chesapeake Bay.

We look at the proposals as a whole, based on the review comments that come into our office, and the proposals themselves that come up with the best package to put forward. There is a submission deadline within NOAA for our cooperative agreements, our grants, which is June 30th.

We got all our awards in so all these awards should be made. The last note here — and this is not to try and refrain from giving too much information, but NOAA Grants Management Division makes the official announcement of awards.

So everything I have here is going to be kind of recommended projects. I provide a lot of the objectives or the priorities that the projects may address. But, because they're considered confidential until the awards are actually made by NOAA Grants, I had to take off or remove the recipients, institutions, the PI's and the actual dollar amounts.

I apologize for that. As soon as those actually become official awards, I can move forward and say that. There's a lot of text on here. We don't need to read it. This is basically the language that went out in the RFP.

I do a general call for stock assessment information on an annual basis. This year we focused on Atlantic menhaden in particular for this announcement. You can see the A, B, C and D there at the bottom correlate directly with the research priorities that were addressed by the Menhaden Technical Committee.

I put up here it's a coordinated program. My office, we went out with the request for proposals, offering, I think, it was like \$1.5 million. The other logos on here are just to show you — now, this is a coordinated program. We received funding support from the Atlantic States Marine Fisheries Commission, Virginia Marine Resources Commission, Maryland Department of Natural Resources, as well as the Chesapeake Bay Program from EPA funding sources.

I'll go into some of the specific projects. One thing to note, the bottom right-hand corner, in particular on this one, there is a little Chesapeake Bay NOAA logo. I put these logos on just to highlight, I guess, kind of the main funder of this project is.

As I go through some of the next couple of slides, you will see that logo change to show that it may be the commission, you know, that's where the funding came from or maybe DNR, but trying to present this in a Menhaden Research Program fashion. It's not as much the money came from this office or that office.

It's addressing the priorities that need to be done. I am going to go through a few of these. Like I said, I apologize that I can't put up names, the PI's or the recipients at this point.

All these slides are pretty much the same. I'm going to try and present the objectives on the screen as well as the priority areas that the project addresses.

This first one actually gets to a question you folks had just a few minutes ago in looking at the exchange rate between Chesapeake Bay and Atlantic coast and the use of genetics, trying to characterize the natal origin of larval menhaden recruiting to the bay; characterize the natal origin of juveniles produced in Chesapeake Bay; quantify the relative contribution of those juveniles to the adult stock; and then quantify the consequences of the population structure in a predator-prey model.

This one addresses that question of determining the exchange rates; also, improves understanding of the patterns of menhaden recruitment in the bay.

The second one looks more at kind of the nursery habitats. Some of the additional funding the commission received this year is going towards this project; improve the ecosystem understanding, but also improve the understanding of the patterns of menhaden recruitment in Chesapeake Bay; also looking at Delaware Bay, so it's looking at two estuaries that are showing somewhat different signs as far as recruitment is concerned; quantifying the relationship between growth, condition, temperature, salinity in two different estuaries; assessing the temporal response between the growth of juvenile menhaden and striped bass; and then quantifying and mapping site-specific estimates of juvenile productivity. We said it's targeting two different estuaries that are showing two different signs of recruitment in the region.

The third project, abundance and productivity, this one actually I can say because it was initiated last year. This is a project with Dr. Ed Hood and Dr. Larry Harding with the University of Maryland; looking at the temporal variability of remote sensing in the phytoplankton bloom; and then the subsequent summer production of young-of-the-year menhaden and anchovy in Chesapeake Bay.

Analyzing environmental and climatological factors and relating that to primary productivity and then ultimately to menhaden recruitment variability; developing statistical and predictive models that describe and potentially can forecast menhaden recruitment. It's not in here, but this is also focused on bay anchovy, looking at both prey species.

The Year 2, which at this point is proposed to be moved forward, is just expanding a little bit more on the Year 1 activities, and incorporating kind of the coastal ocean aspects outside Chesapeake Bay. And, again, it's looking at understanding the patterns of

menhaden recruitment and improving the ecosystem understanding.

The fourth one here is one of the ones that I'm somewhat excited about for a few different reasons. One, we're looking at developing a stock assessment modeling framework in Chesapeake Bay.

We're going to focus on Atlantic menhaden kind of as a pilot for this. The program itself is identifying the necessary information to separate Chesapeake Bay fisheries stock assessment from a coast-wide migratory species.

We're going to be looking at the fisheries data, fisheries independent data specific in Chesapeake Bay and see if we can separate out specific Chesapeake Bay stock assessments. Like I said, we're looking at Atlantic menhaden kind of as a pilot.

We're also looking at this as being a graduate education and training program. Understanding there's a low amount of stock assessment scientists out there right now, we're this program in coordination with some of the universities in the Chesapeake Bay area to try and develop education and training. They're going to be developing seminar series and short courses to develop stock assessment modeling experience.

We're looking probably within a year, of having -- I think it was maybe August -- of having a Chesapeake Bay stock assessment for Atlantic menhaden, if it's workable or has the potential within Chesapeake Bay to take out the assessment from the coast-wide stock. If not, then we'll end up a number of research recommendations and monitoring requirements needed to do that.

This next one is looking at the temporal and spatial variability in growth and production of Atlantic menhaden and bay anchovy. Again, this is a two-year project, and we're looking at funding the second year. I can say that it is going to, again, Dr. Ed Hood and Dr. David Secore down at the University of Maryland.

This is a project that my office funded the first year; and looking into moving into the second year, Maryland DNR picked up the project. Again, we're looking at the variability in growth; looking at young-of-the-year anchovy and menhaden, so we're looking at the patterns of recruitment and analyzing

the diets of those species to obtain growth and bioenergetic data.

The next project, this project is also underway, funded by the Chesapeake Bay Program, Environmental Protection Agency, looking at modeling in support of nutrient and multi-species management. So they're looking basically from a bottom-up affect with the Chesapeake Bay.

This project is going down to Dr. Rob Latore down at Virginia Institute of Marine Science, looking at conducting -- and this actually is coordinated with one of the earlier projects

I mentioned on developing a stock assessment for Chesapeake Bay. This one is coordinated with that, also looking at stock assessment for the bay; you know, pooling the funds; again, looking probably at the July to August timeframe to see if that's something that's possible.

Conducting diet and feeding studies and prey selectivity from menhaden and anchovy down the food chain and looking at kind of the nutrient removal that menhaden possibly could play within Chesapeake Bay.

The next couple of projects actually are projects that are underway, so, again, I can mention who they are. This ChesMMAP is the Chesapeake Multi-species Monitoring Assessment Program. It's a project that we've been funding for about four or five years now.

It's a bay-wide research monitoring cruise funded to the Virginia Institute of Marine Science. They go out for about five cruises each year. This project is going to be able to fund the next two surveys in 2006. They sample between 80 and 90 stations on a bay-wide basis.

It's a Virginia vessel that's not just staying in Virginia. It's actually going up into the Maryland main stem portion as well and collecting samples. They're getting length, weight, girth, sex determination. They're dissecting and getting otoliths for age studies, as well as taking gut content and stomach analysis.

We have a real nice diet composition study for about a four- to five-year period at this point. That is going to continue into 2006.

An add-on this year is now that we have four to five years of this gut content data is actually do some

analyses and try and estimate the total annual removal of the bay anchovy and menhaden due to predator species in the Chesapeake Bay.

A lot of the data that is being obtained from the program is going into the multi-species virtual population analysis with Lance Garrison.

Number 8, this one is more of a striped bass project, but it is also looking at menhaden. It's one that doesn't necessarily meet the technical committee priorities directly, but it does improve the ecosystem understanding and is looking at disease and the mycobacteriosis within Chesapeake Bay and examining whether young-of-the-year menhaden can serve as a possible vector of transmission within striped bass populations.

The last one here is the VIMS Trawl Survey. Probably most of you are familiar with that. It's a project both VMRC and my office are putting funds into to keep that going. It's the longest continuous fishery survey on the east coast. This project assures that will continue and provides kind of the estimate of juvenile menhaden.

The last slide is to mention that our office is looking at Chesapeake Bay fisheries issues. Menhaden was kind of our priority this year, but we do have a number of other issues within Chesapeake Bay that we were supporting, so I just highlighted a couple of them up here, looking at blue crabs, soft-shell clams.

We had been supporting Ecopath with Ecosim for the past two years, trying to develop a specific Chesapeake Bay Ecopath with Ecosim model application. At this point we have a lot of the data needed.

We're running some policy scenarios and looking at kind of different aspects of what would happen in different scenarios of menhaden and striped bass dynamics. That's going through a peer-review process at this point.

The last one on the list here is starting to look at maybe the economic and social aspects of commercial fishing within Chesapeake Bay. It doesn't have a menhaden-specific focus. It's one of the recommendations that actually came out of the technical meeting.

I am going to go back and talk to the PI's and see if we can pull out menhaden-specific in the second year of this project. That project is with Duke University

and Resources for the Future. So, we're looking at the second year of that project and possibly focus on menhaden.

With that, I thank you for the time to be able to present. The number I think that we went out with for menhaden research this year was just about \$1.2 million. A number of the projects are two- or three-year requests, so we're looking at possibly funding that same amount in the next year. Thank you, Jack.

CHAIRMAN TRAVELSTEAD: Thank you very much, Derek. Again, I appreciate all the assistance you've provided to us in this area. Are there any questions of Derek on this? Vito.

MR. CALOMO: Thank you, Mr. Chairman. Derek, I read on the bottom that it's science, service and stewardship, which are big words in our industry.

Do you have any money in research or under services would you be doing anything other than just looking at the direct population of fish, such as why are the fish in Chesapeake Bay seem to be — a lot of them are diseased with sores and lesions and stuff like that.

Whether it be a striped bass or menhaden or an anchovy or spot or whatever the case may be, why the disappearance of the oysters and the blue crab, would you be doing any research along those lines to assist us in finding out the reasons why there are dead zones in the Chesapeake Bay?

MR. ORNER: Yes, a couple of projects. Actually, the ChesMMAP Program, since you mentioned the dead zone at the end, they ran some of those surveys.

The same time they're catching or they're pulling their nets, they're obviously doing water quality analysis and comparing where they're catching fish versus where the low levels of oxygen are and providing cruise reports within a week or two after the project.

You know, one of the projects I mentioned is looking at the mycobacteriosis issues in Chesapeake Bay focused on menhaden as a possible vector into those striped bass populations. The outreach from that project, specifically from the proposal, is to go directly to the ASMFC Striped Bass Management Board and the technical committee.

There are people interested there. We have a few other earmarked or projects in our office dealing with native oyster restoration, as well as a special earmark for the past two years on non-native oysters in Chesapeake Bay. There is a \$2 million research program addressing EIS possibilities within Chesapeake Bay.

MR. CALOMO: Thank you. I appreciate your answer, and that's good news.

MR. ORNER: The other thing, I brought a handful of these — they were in the back. They've been picked up. We produce an annual report of abstracts of the research that we fund. If anyone is interested, I can send this out to Nancy. I believe I have it as a PDF. I also can get hard copies sent to anyone that wants those.

REVIEW OF PUBLIC COMMENT FROM DRAFT ADDENDUM II

CHAIRMAN TRAVELSTEAD: Thank you, Derek. Any other questions? All right, we're going to move on to Agenda Item 8, Review of Public Comments from Draft Addendum II. Nancy is going to take us through those 26,000 comments that I mentioned earlier, and, hopefully summarize them in some fashion that's helpful to the board.

MS. WALLACE: I am going to go through them one by one. Not really! I just wanted to actually walk through the timeline first of our public comment process. The draft addendum that went out for public comment was made available to all the public on May 27th.

We held our first hearing on June 27th, 30 days after the addendum was made available. We had twelve public hearings. After the twelve public hearings, we had two more weeks open where written public comment was accepted.

This was all to be consistent with our public comment processes actually for amendments or fishery management plans. We didn't need to have it quite as strict for the addendum process, but we thought we should follow the process for the amendment.

As I said, the public hearings concluded on July 18th, and these comments were summarized and included on the initial briefing CD that the board received and was posted on our website on July 26th. As I said, the

public comment period ended on August 1st at 5:00 p.m..

Those comments were summarized and mailed on August 5th, and the commissioners should have received them by August 8th. These comments were posted on the website as well on August 8th. Hopefully, you've all had a chance to look through all these comments.

Also, what we did was we sent an e-mail to our press release list, telling them about these comments on the website on August 8th. Comments received after August 1st at 5:00 p.m. were not included in the summary.

That was the timeline that was set, and that was the cutoff date. Any comments that we received after that time were not included in the summary.

CHAIRMAN TRAVELSTEAD: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I made an exception to what Nancy just reported. That was even though we continued to receive comments, there were certain comments received from representatives of congress as well as the governor's chief of staff from the Commonwealth of Virginia.

I exercised my discretion in responding to those letters, indicating that I would make them available to the board. They were distributed to the board prior to your meeting this afternoon. The dates of those letters are clearly indicated in the copies that the board has.

So, just to let you know, I made an exception to what Nancy had just said, and that was my reason for doing it. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you, Vince. Nancy.

MS. WALLACE: Thank you. I'm going to start with my presentation. The way I'm going to walk through this presentation is to start with the public hearing summaries; then go through the written comment summaries, which we received, which would include anything we actually received through the mail; and then following with the e-mail comment summaries.

This presentation is just a highlight of the comments. Obviously, it would take quite a few days to walk

through them all as detailed as you might like them. With that, I'll start.

Just to go through some background that was actually in the document, in the spring of 2005, the draft public comment was developed. In May of 2005 you reviewed that comment, and the staff and the PDT made changes.

The summer of 2005 we had the public comment period, and in August 2005 is where we find ourselves today, with the management board review and final approval. If all goes as planned and there is a decision made today, then implementation will be in the fall.

The statement of the problem that we went out to the public with was that the addendum was soliciting input concerning a proposal to implement a risk-adverse cap or quota of menhaden that may be harvested from the Chesapeake Bay or coastwide annually.

While the cap is in place, a comprehensive research agenda will be implemented to assess whether localized depletion of menhaden is occurring.

The first issue it included was to cap the harvest. The first option was no cap on the harvest. The second Option 2, which was to institute a cap. If there was Option 2, the public was presented with the four other issues to consider:

A was should a cap be in Chesapeake Bay or coastwide; B was what gear should be included in the cap; C, what should the amount or tonnage of the cap be; and D, what should the length or the number of years be?

Issue A presented two choices: The cap should be in Chesapeake Bay only, or the cap should be coastwide. The gears to be included were on the reduction fishery only; on all purse seines, the bait and reduction; or the cap should be on all gears.

Issue C was the amount of the cap, which included the mean of the last three, five or ten years, as well as the highest landings in the last three, five or ten years and the lowest landings in the last three, five or ten years.

The length of the cap, the options were that the cap should be in place for two years; Option 2 was the cap should be in place for three years; and Option 3 was the cap should be in place for five years.

It talks about overages and underages, what should be the penalty if there was an overage; what should happen if there was an underage in a certain year. It talks what defines menhaden harvest; TAC's or TAL's, and at what percentage they should be ended.

And the last issue, which has been covered a lot today, was the research program for Chesapeake Bay and the four main issues that the technical committee came up with.

Okay, so to start the actual public hearing summaries, what I've done is combined the twelve public hearings. We had twelve public hearings along the coast, in Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission, Virginia, North Carolina and Georgia. A total of 441 people signed in. I am sure there actually were many more, but from our sign-in sheets, we had 441 total.

Issue 1 is to cap the harvest. Option 1, status quo, no cap on the harvest — there were a minority of people who favored the status quo option, which would be no cap on the menhaden harvest. The reasons that these people spoke of was the lack of scientific data to institute a cap and a concern over job losses by the reduction fishery workers.

Option 2 was to institute a cap. At all of the public hearings, there was a significant majority of speakers who favored some type of cap on the menhaden harvest. The reasons included precautionary approach, the ecological importance of menhaden and the health of the Chesapeake Bay. Those were the overwhelming reasons that people supported a cap.

Chesapeake Bay versus coastwide. Option 1 is the cap should be in Chesapeake Bay. The Coastal Conservation Association, Environmental Defense, Menhaden Matter and many speakers at the hearings supported this option of the cap in Chesapeake Bay only.

Option 2 is the cap should be coastwide. Greenpeace, MSSA, RFA and many individual speakers supported a moratorium on the reduction harvest coastwide. Greenpeace also support a cap on the bait fishery coastwide. Other speakers supported a coast-wide cap on the Menhaden Fishery.

Other options: Many organizations and individuals have advocated for two caps; one in the Chesapeake

Bay and one coastwide. There were a limited number of individuals endorsing a moratorium in the bay and then a cap coastwide.

And as I mentioned, I'm being general with these comments, but what you have in front of you is the breakdown of numbers per state, per hearing, per issue, so you can look at those as well.

Gears to be included: Option 1, the cap should be on the reduction fishery only. The majority of speakers supported this option at all public hearings.

Option 2, the cap should be on all purse seines, bait and reduction. A very small minority felt the cap should be on all purse seines, meaning the purse seine gear only, but including the bait and the reduction fishery.

Massachusetts and Rhode Island speakers supported banning the purse seine bait fishery in state waters, with a cap on the reduction fishery in Chesapeake Bay.

Option 3, the cap should be on all gears. A minority of speakers favored the cap be on all gears that harvest menhaden. Some organizations favored a moratorium on the reduction fishery with a cap on the bait fishery.

C, the amount of the cap. There were three amounts that were supported the most. There were nine that I just went through that were included in the document.

The ones that came to be the favorite among people who spoke were that the cap should be at the average of the last five years' landing. The next is the lowest number in the last ten years. The other one that we kept hearing was no harvest or a moratorium, which was actually not an option that was included in the addendum.

The length of the cap. The majority of speakers favored a cap in place for at least five years. Many people said that the cap should be in place as long as it takes for the research to be completed or conditions improve in the bay.

Overages and underages. We asked the question what should be the penalty for an overage? A majority of speakers supported an over-harvest be deducted from the following year's quota.

What should happen if there's an underage in a certain year? Most speakers who commented on this

issue — and there weren't as many that commented on other issues — said if it was an under-harvest, it should not be carried over.

We asked what defines a menhaden harvest? Option 1 was a total allowable catch with the fishery ended at 100, 95, 90 or 85 percent. The majority of speakers who spoke on this issue supported a total allowable catch, and the levels of the TAC varied among the public, without one clear number forth.

Option 2 was total allowable landings, the fishery ended at 100, 95, 95 or 85 percent. There was only a minority of people who supported the total allowable landings.

Recreational catch. We really didn't receive very many comments about the recreational catch, but we did hear from Greenpeace on this issue, and they felt that the recreational catch should be accounted for.

The age of harvest; again, we did not hear very much on this issue, pretty much only from Greenpeace, and they felt that the harvest should only be on age three-plus menhaden.

Issue 2 in the addendum was the research program. A majority of speakers were in support of the research program outlined in Addendum II. Many speakers also urged the ASMFC to conduct studies on menhaden filter-feeding capabilities. Many speakers encouraged studies to evaluate menhaden's ecological role in addition to what's been outlined in Addendum II.

Okay, that was all the public comment. Now we're going to move into the summary of written comments where I actually do have numbers for each option. This is everything that came in the mail to us. This is not e-mail.

Letters from individuals and organizations were 178 letters; and from elected officials, we received twelve letters that are included in the written comment summaries, as well as the ones we just passed out, so twelve plus the ones we just handed out. We also received postcards and form letters, and we received 5,128 postcards and form letters. We had a total of 5,318 pieces of mail.

What I'm going to go through right now is from the individuals we received the letters from and not supporting any organization and not form letters or postcards. We received 13 letters from individuals opposed to a cap, and we received 62 in support of a cap.

Eleven people supported the cap in Chesapeake Bay; seven people supported a cap coastwide; two people supported two caps, one in Chesapeake Bay and one coastwide; and one person felt all purse seining for menhaden should be restricted to a ten-mile limit offshore.

Gears to be included in the cap. Seven people supported a moratorium coastwide for the reduction fishery; three people supported a moratorium in Chesapeake Bay for the reduction fishery; thirteen supported a cap on the reduction fishery only; three people supported a cap on all gears; and one person supported a cap on all purse seines.

The amount of the cap. Nine people supported the cap at the average landings from the past five years; two people supported the cap at the lowest landings in the last five years; and one person supported the cap be the landings in the past ten years.

The length of the cap. Two people supported a cap in place for three years; twelve people supported a cap in place for five years; and three people supported a cap be in place for as long as it takes for the research to be completed.

Harvest type. Eight people supported any over-harvest being deducted from the following year's quote; two people felt any overage should result in a fine; one person felt under-harvest should not be added to the next year's harvest; one person supported a TAC at 90 percent; and one person supported a TAC at 85 percent.

Other comments. Three people felt the fishing year should be delayed to June 1st each year with time and area closures within Chesapeake Bay.

One other thing I would like to mention is we did receive a lot of hand-written, very long letters, and what we overwhelming heard was people's concern about menhaden, concern about ecological importance of them and the health of the Chesapeake Bay. They don't want to diminish that, but I summarized just very briefly.

Also, the research program. We had nine people support the research program.

Okay, I'm going to move into the comments now from the elected officials. These were all included — all the actual letters were included in the public summary documents that you received. I am just

going to run through from. There's a summary in the written comment summary of how each elected official, what their viewpoint was on the addendum.

We heard from Senator Allen. We got one letter that was signed by Congressman Davis, Congressman Pickering, Congressman Melancon, Congresswoman Drake, and Congressman Jindal. We also got a letter from Congressman Michaud, Congressman Pallone, Congressman Gilchrest.

We also received quite a few letters from the — well, we got one from New York State Senator Valesky; Virginia Delegate Pollard; New York Assemblyman Sanders, Nesbitt, Crouch and Townsend.

We received quite a few letters after the deadline, as well, from the New York Assemblymen. We also heard from the Northumberland County Board of Supervisors. So, all of those letters in full are in your written comment summary, and I also summarized which way they felt.

Comments from organizations. Again, I'm going to give you some names. I'm just going to read through the comments of who we heard from. And their summaries, hopefully, you've had a chance to look at them all in the written comment summaries.

The organizations who were opposed to a cap were The Northumberland County Branch of the NAACP, and we received a petition from them with 389 signatures.

The employees of Omega Protein sent us a letter, and there were 287 employees included in that letter. We did receive, as well, a letter from Omega Protein.

We also received a petition with 455 signatures in opposition to a cap without any organization heading.

Comments from organizations who were in support of a cap. We heard from Menhaden Matter, and we also received 42 letters and postcards in support of the Menhaden Matter position.

CCA, we had 48 letters in support of the CCA position and a petition with 95 signatures. We heard from the Eastern Shore Anglers Club, and they sent 30 form letters as well; and the Marco Hunting and Fishing Club, and we had 85 form letters from them.

Other organizations that were in support of the cap were the Assateague Coastal Trust; the New Jersey Audubon Society; the American Sportfishing Association; CCA-Maryland, CCA-North Carolina,

CCA-Maine, and CCA-New Hampshire; the Stoney Creek Fishing and Hunting Club; the Neuse River Foundation.

We also heard from the Choptank Tributary Team; the Pew Institute for Ocean Science; Environmental Defense; Lower Potomac Tributary Team; the Campbell Foundation; the Chesapeake Bay Foundation. All of these people, again, were in support of the cap.

We also heard from Hampton Roads Sanitation District, the Virginia Association of Municipal Wastewater Agencies, Chesapeake Bay Ecological Foundation; the National Coalition for Marine Conservation; and we received one letter that didn't have an organizational title, but we received 309 of the same form letters. All of these organizations were in support of a cap. Like I said, you can see all of the summaries in the written comment summaries.

We also received comments from organizations who were in support of a moratorium. We received 165 postcards from Greenpeace. The Recreational Fishing Alliance, we received, 4,497 postcards. The Rhode Island Saltwater Anglers Association was also in support of a moratorium -- on the reduction fishery, I should say.

The Montauk Surfcasters Association, Ocean Pines Anglers Club, the Rhode Island Mobile Sportfishermen; and the Maryland Saltwater Sportfishermen's Association were all in support of a moratorium on the reduction fishery. That was a summary of the written comments.

Moving into the summary of the e-mail comments, a total of 20,419 e-mails were received. 15,646 form e-mails were received urging the ASMFC to establish a moratorium on the industrial menhaden purse seine fishery in the Chesapeake Bay and Atlantic coastal waters.

3,634 form e-mails were received supporting catch limits in the Chesapeake Bay that would cap the harvest at 105,800 metric tons and be in place for five years. We received 487 form e-mails urging the ASMFC to initiate an immediate moratorium on the industrial menhaden fishery.

We received 64 form e-mails from RFA members urging the ASMFC to develop regulations prohibiting the purse seining of menhaden for the purposes of reduction in the waters of all Atlantic coast states.

We also received 7 form e-mails which were received supporting limits on the catch of menhaden that will protect the future of this population and the entire Chesapeake Bay Ecosystem. We also 585 non-form letter e-mails, and I'll run through those as I did the individual written comment summaries that we had.

Should there be a cap? 346 people supported a cap; 13 people opposed the cap. The area of the cap: ten people supported a cap in Chesapeake Bay and coastwide; six people supported a cap coastwide; forty-nine people supported a cap in Chesapeake Bay; twenty-seven people support a moratorium in all state waters, with fourteen for a moratorium in the Chesapeake Bay. Seven people supported a cap in Chesapeake Bay and off the ocean waters of Virginia.

The gears to include in the cap: Twenty-four people supported a moratorium on the reduction fishery; forty-seven people supported a cap on the reduction fishery; three people supported a cap on all gears; two people supported a cap on all purse-seines; one person supported a moratorium on all gears except pound nets.

The amount of the cap: One person supported the cap at the average of the last three years' landings; 41 people supported the cap at the average of the last five years' landings; five people supported the cap at the lowest landings in the last five years; and three people supported the cap at the lowest landings in the last ten years.

The length of the cap: Seventeen people supported the cap be in place for two years; six people supported the cap be in place for three years; forty-six people supported the cap be in place for five years; and sixteen people said that the cap should be in place until the research is completed.

Harvest type: Thirty-two people supported any over-harvest being removed from the next year's quota; nine people supported that any under-harvest should not be added to the next year's quote; and three people voted if there's an overage, the industry should be fined.

Harvest type: Eleven people supported a TAC at various levels; and one supported a TAL, and that was at 95 percent.

Age of the catch: Two people opposed the harvest of non-breeding menhaden.

Research program: Sixteen people supported the research program outlined in Addendum II; one person was opposed to the research program; and many people would like to see research on menhaden's ecological role, including filter feeding and forage.

Additional e-mails: We also received 141 e-mails that supported the CCA's position. Those are not included in the earlier numbers. What the CCA's position and these 141 e-mails said was a cap on the harvest in Chesapeake Bay by the reduction fishery at the average landings over the past five years and in place for at least five years, and should only sunset when ecologically based reference points in Chesapeake Bay reference points are developed. Overages should be taken off the next year and under-harvest should not be carried over. They did support the research outlined in the Addendum II.

We also received a couple of comments from organizations that were only included in the e-mail summaries. If we received comments from the organization in both e-mail and written form, they were included in the written format summary.

In support of the cap was the Audubon Society of Connecticut, the Delaware Chapter of the Sierra Club, and the Peninsula Saltwater Sportfishermen's Association. That's the end of the summaries. I'll take any questions to clarify that.

CHAIRMAN TRAVELSTEAD: Nancy, that was excellent. I'll let you get your breath before we take questions. While you're doing that, let me just thank you for your endurance and for your very thorough and succinct summary of all of those comments.

I have been told by staff this the largest amount of comments they have ever received on any issue in recent memory. I think you have done an excellent job summarizing that. I don't know what the board would do without you. (Applause)

Okay, questions for Nancy, clarifications, comments? It's another good sign that you did a good job. Thank you, Nancy. Okay, David.

DR. PIERCE: In the document that went to public hearing, there are a number of important tables with listings of the amount of menhaden reduced by purse seine only by different areas — well, actually coastwide versus the Chesapeake Bay.

Did anyone at the public hearings raise questions about or comment on the fact that we have no data in Table 1 regarding the amount of reduction by purse seine only?

“Landings data restricted due to confidentiality concerns, I can understand that, but some of the options do, in order to be properly evaluated, require that kind of information. So, any comment regarding that?”

MS. WALLACE: Yes, we did receive some comments on that at the public hearings. We just tried to explain the best that we could what position we had and what data was available to share with the people, and most people were pretty receptive to that and based their comments on averages, you know, historical averages. But, yes, there were comments on that.

DR. PIERCE: In the written correspondence or in the testimony at the public hearings, did any of this information come forward so that we can fill in those gaps in the table?

MS. WALLACE: If I understand the question correctly, at the public hearings I did not list the numbers that were not included in the addendum.

DR. PIERCE: I guess I didn't make myself clear. The public had the document and all appeared, the world appeared, and the written comments or at the public hearings, did these data come forward regarding the reduction by purse seine only in Chesapeake Bay, or are we still left with no information to guide us relative to what the amounts landed were?

MS. WALLACE: The information did not become available during the public comment period.

CHAIRMAN TRAVELSTEAD: Other questions? Gordon.

MR. GORDON C. COLVIN: Not so much a question, Mr. Chairman, but just a quick observation and a request. The public hearing in New York, the summary of the public hearing that was submitted included some supplemental material, and I know that staff standardized the summary so they were all alike.

That summary did include a summary of the statements made by individuals and representatives of organizations, and I would request that it be

provided to the board members for the record, as a complete record of people's comments at our hearing. Thank you.

ADVISORY PANEL REPORT

CHAIRMAN TRAVELSTEAD: Very well. Any further comments? All right, are you ready to move on? We are going to move to Item 9, the Advisory Panel Report. Bill.

MR. WILLIAM WINDLEY: Thank you, Jack. The Atlantic Menhaden Advisory Panel met on July 28, 2005, in Baltimore. Joe Smith was on hand to fill us in on last year's and this year's fishery figures. I believe the commission already has that available, so I won't go over that.

We had Alexei Sharov from the Maryland, who gave a description of the research that was to be done, very similar to what Dr. Mahmoudi gave you here today, so I won't burden you with that as well.

It was a fairly difficult chore to try to sort out what was coming from the AP. The AP is actually pretty well distributed between recreational fishermen, people with environmental concerns, and people in support of the commercial fishery in one way or the other.

So, by having a good breakdown like that, you're going to get a good divergence. We don't vote, but I have attempted, without using numbers, to give you a feel for where people stood on what issue. I hope I did that. I kept it quick and simple.

To begin with, some members of the AP could not be in attendance. They sent comments on the addendum prior to the meeting. These comments were distributed and discussed at the meeting, and their positions are reflected in the positions in the meeting.

So, out of our, I guess, twelve people, we had twelve give comments; ten present and two by mail. I would like to thank the AP for taking on a tough job and everybody for walking out of there and shaking hands and so forth when it was over.

There was no consensus by members of the AP on the issue of capping the Atlantic menhaden harvest. However, there was a majority in favor of a cap at some level. Some members spoke in opposition to the cap on the menhaden harvest because there's no scientific reason to institute a cap.

The point that a cap would create a hardship for the industry was made, but most felt it is essentially a near status quo measure and no hardships would be created. The point was made that the industry has continued to maintain that they were meeting all their needs at current harvest levels; therefore, a cap would have no negative impact.

Another concern raised with instituting a cap was that if there was area management and a quota was introduced, areas in New England could be closed before menhaden ever reached their waters.

It was also mentioned that purse seines are very efficient and don't take a lot of bycatch; therefore, they should not be restricted. This situation would not occur if any cap implemented was restricted to the Chesapeake Bay.

Some supported a cap at the five-year average while the research is being done. They felt this was a precautionary action without affecting the industry because the catch would be capped at current levels. They felt this cap should be in place for five years.

The two AP members not in attendance, but submitted written comments favored a cap at an average of ten years on the reduction fishing vessels within the Chesapeake Bay for at least three years. They also felt a minimum mesh size of 1-7/8 inches coastwide would be appropriate to facilitate an increase of three-year-old fish coastwide.

Some members of the AP, who were in favor of the cap, supported a cap in Chesapeake Bay and coastwide, so effort would not be redirected. Some members were in favor of the cap on all gears, so effort would not be redirected into other gears.

All members present at the AP meeting were in support of the research agenda described in Addendum II. They would like the research agenda expanded to explore menhaden's ecological functions, including its role as forage for predators and as a filter feeder.

Members of the AP also raised the concern that they hope after all this research has been completed, there is qualitative data that managers will be able to use to make decisions.

This particular version wasn't the final version, and in the final version I did mention that there was a reasonable, if not significant, majority of the AP members who were in favor of a cap of some kind.

That is about as definite as I can give you. Thank you very much. If you have any questions, I'll be glad to take them.

DISCUSSION ON DRAFT ADDENDUM II

CHAIRMAN TRAVELSTEAD: Thank you, Bill, for that report and for all the work that you all do. I know it's a tough job when you have people on so many different sides of the issue, but you do a good job of bringing us a summary. Are there questions of Bill on the advisory report?

Okay, seeing none, we're going to move on. I was going to ask for a motion to adjourn, but we've got a couple more agenda items to go through here.

Item 10, discussion and consider action on Draft Addendum II. This is a final action item. One thing to help facilitate how we'll proceed, Nancy has prepared sort of a decision matrix, if you will, that I would like her to outline.

While she's getting that up, let me just mention one other ground rule that I think might be necessary. I don't think you'll object to it. I think it's important that the motions that are made under this agenda item pertain to items that are included in Addendum II.

So, it would be my intention, for instance, if a motion is made to do something that is not within the scope of Addendum II, such as a moratorium, to declare that motion out of order. I know there was public support a moratorium to some degree, but a moratorium was considered by the board before we went to public comment, and it was rejected.

So, a motion along those lines or some other line that's not included the addendum would be declared out of order.

MS. WALLACE: Okay, I'm just going to walk through this. There's a couple of slides in kind of the order that we felt was the most easy — well, I'll just walk through.

The first decision that needs to be made is the area of a cap. These would include the cap should in Chesapeake Bay; the cap should be coastwide; or, there should not be a cap.

The next decision after that decision is made is the gears that are included in such a cap: reduction fishery only; all purse seines, meaning the bait and the reduction; or, would be all gears.

Next would be the decision on the amount of a cap. That would be the average past three years, five years or ten years; the highest in the past three, five or ten years; or, the lowest in the past three, five or ten years.

The next decision would be the length of time that a cap would be in place. It would be in place for two years, in place for three years, or in place for five years. These are all consistent with the options that were included in Addendum II.

Next would be a harvest type. It would be a total allowable catch or total allowable landings.

Next the harvest would end at, depending on the TAC or TAL, 85 percent, 90 percent, 95 percent or 100 percent.

Next a decision made on what would happen if there was an over-harvest. The options are the harvest would be reduced the next year by the amount over or there would be no penalty. The next decision would be on an under-harvest; harvest increased the next year by the amount under or there would be no addition.

The age of the catch. Should the addendum include regulations on the age of menhaden that can be caught? This was included in the original addendum, but we don't really have any options for that.

Monitoring. If a cap is instituted, how should a quota be monitored?

Followed by the recreational catch; recreational catch should be accounted for or recreational catch should not be accounted for?

Then the research agenda: support the research agenda outlined in Addendum II or do not support the research outlined in Addendum II. That's kind of the decision tree.

CHAIRMAN TRAVELSTEAD: Okay, thank you, Nancy. Let me suggest that you keep that list handy as we go through this agenda item. Mr. Carpenter.

MR. CARPENTER: Mr. Chairman, if you would entertain a motion, I'd like to offer a motion at this point to get us started on this decision-making process. After I read the motion, if I get a second, I would appreciate addressing the motion.

CHAIRMAN TRAVELSTEAD: Sure.

MR. CARPENTER: **I move that the existing adaptive management measures remain intact and that we adopt Option 1 of Issue 1 of the management options of Addendum II; conditioned on the harvester's assurance of the following items:**

The Chesapeake Bay Reduction Harvest will not exceed 131,000 metric tons per year. It will be effective for five years, 2005 through 2009. Any overages will be deducted from the following year. Any under-harvest will be returned to the stock; that is, there will be no carryover.

The harvester will support and participate in the menhaden research activities outlined by the technical committee. The above-mentioned cap would be reduced if the existing CPUE or size-length frequency triggers are tripped.

Mr. Chairman, that is my motion; and if I get a second, I'd like to address it.

CHAIRMAN TRAVELSTEAD: Okay, we have a motion; is there a second to the motion? Seconded by Steve Meyers. Comments on the motion? We'll go back to A.C. and then we'll proceed around the table.

MR. CARPENTER: Mr. Chairman, I offer this motion because I think that this motion addressed a number of the issues that were outlined in Addendum II. It recognizes that last October we had a three-day workshop with scientists from around the country, who were unable to recommend a specific number for a cap; or, rather, in fact we even needed a cap within the Chesapeake Bay.

It is a cap on the harvest which will be effective now and not a year from now if the addendum process has to go forward, and it will last for five years. The number that is chosen in this motion is based on some model runs of an equilibrium yield, and it does have some attempt to bring some science into giving us a cap.

I guess the other factor that brings me to this decision is that in the Potomac River we have analyzed our pound net harvest data; and for the past fifteen years, the pound net CPUE has remained relatively stable, which indicates to us that we're not in a crisis situation; that the status of the stock is fairly stable.

We believe what we truly need to do is have the science work and have the industry support that science and participate in doing the work that has to be done over the next few years. Thank you very much.

CHAIRMAN TRAVELSTEAD: Howard.

MR. KING: Thank you, Mr. Chairman. Some of the elements of this motion were not in the addendum that went out for public hearing. How does that fit with the criteria you've established?

CHAIRMAN TRAVELSTEAD: For public comment?

MR. KING: No, for today, that you won't entertain any motions that don't include options offered under the addendum that went out for public hearing.

CHAIRMAN TRAVELSTEAD: I believe it is in keeping with the matrix that Nancy has handed out in that it is a motion for status quo, essentially; for no hard cap on the fishery. So, it's my intention to accept the motion. Other comments on the motion? George.

MR. LAPOINTE: It's unclear from A.C.'s motion about whether this is in fact a hard cap or a voluntary cap. I assume it was voluntary because of the letter we received from Omega, but I'd like that clarification.

CHAIRMAN TRAVELSTEAD: A.C.

MR. CARPENTER: The motion says that we will adopt Option 1 of the management, which is no harvest cap, but that option is being chosen conditioned on the industry living up to the self-imposed voluntary cap that they announced last week. If they violate that, then essentially all bets are off, and the issue comes back before this board immediately.

CHAIRMAN TRAVELSTEAD: Is that all right, George? Eric.

MR. SMITH: Mr. Chairman, I've always been told it's terrible form to disagree with the chairman, and I have terrible form, I'm sorry.

I do agree with you that the motion is in order, because it tracks the kinds of decision things we had

in there. I say that with a little bit of facetiousness, the first comment, because I read this a little differently. I read it a little more positively.

I don't see it as status quo. I see it as verging towards the effectiveness of a hard cap. By setting the cap in the first place, that's a milestone, if we reach it, that's, frankly, I think something that a lot of people will have some empathy with.

By having the overage taken off the next year, even if it doesn't become a regulation, that becomes a forcing tool to keep that cap in play, because if there's an overage in the second year and we think it's substantial or we think it was wantonly done for whatever reason, that ought to trigger this board into acting in a more decisive way.

So, to me, even if it isn't hard quota management, per se, I think it's clearly a lot more than status quo. So, if you'll allow me, I would just disagree with the tone of that part. Thank you.

CHAIRMAN TRAVELSTEAD: Any other comments? Bill Goldsborough.

MR. BILL GOLDSBOROUGH: Thank you, Mr. Chairman. I just wanted to ask, since it was expressed that this proposed cap amount was science-based, if the technical committee had looked at that and could speak to the derivation thereof.

CHAIRMAN TRAVELSTEAD: Behzad.

DR. MAHMOUDI: Well, when Mr. Carpenter mentioned that it is based on the science, it is derived from the stock recruitment data that was generated from the virtual population analysis. But, we as the technical committee and the peer review decided against using stock recruitment based maximum sustainable yield estimates to generate the reference points for menhaden.

The reason we decided against using stock recruitment data is because they were subjected to a high level of uncertainty. That is why we decided to go to the per-recruit basis, which were used to develop the reference points, which are in Amendment 1.

So, they are scientifically based, but they were subjected to a high level of uncertainty, and that's why they were not used to generate MSY estimates.

MR. GOLDSBOROUGH: If I understand what you're saying, then, the analysis upon which it's based is a coast-wide analysis; correct?

DR. MAHMOUDI: Absolutely, the whole assessment is a coast-wide assessment, and its for Chesapeake Bay is obviously subject to question.

MR. GOLDSBOROUGH: Exactly my point, Mr. Chairman. I think this is really the crux of the matter. We've heard a lot of reference to the stock assessment saying that the stock is not overfished and not subject to overfishing, but we also know that assessment is a coast-wide instrument.

In fact, the technical peer review that was done of the assessment pointed out that it would — essentially pointed out its downside; that it was not a useful tool for detecting problems that might occur when the fishery is concentrated in one part of the coast.

That's what we're really deliberating here; the fact that for various reasons, not under everyone's control, 50 to 75 percent of the coast-wide catch comes out of Lower Chesapeake Bay. There are a number of technically based warning signs that there are problems that are probably related to that.

So, I would just refer back to that peer-review context for the stock assessment, that really does not have much relevance to that scenario. If this is based on a coast-wide analysis, then the same would apply.

Also, Mr. Chairman, I've taken the liberty of putting together a graph that includes Chesapeake Bay landings over the last 20 years and numbers in the coast-wide stock — we don't have numbers for the Chesapeake — over the same period; and then superimposing this number and five-year average number, just to put them in context.

I think this has been distributed individually around the room. I don't know if everyone at the table has received it, though, but maybe staff could help. I have a supply of them here. It's just a useful visual or reference to put in context the numbers we're talking about.

CHAIRMAN TRAVELSTEAD: All right, Dennis.

MR. ABBOTT: Thank you, Mr. Chairman. A question I'd probably direct to Mr. Carpenter. On the sixth bullet, A.C., where it says the above-mentioned cap to be reduced if existing CPUE size-

length frequency triggers a trip; we had that mentioned earlier and I didn't understand that very well technically.

But, I would be more interested in knowing how we would relate those triggers to any reduction in tonnage? If those triggers were achieved, what would actually happen and by what means would a reduction occur?

MR. CARPENTER: What I am intending to get to at this point with this item is that if those triggers are tripped before the five-year period is up, that we will review the cap.

We will rely, hopefully, on the technical committee to recommend a new number of whatever the new cap should be based on whatever information they have available and have gained at that point in time.

CHAIRMAN TRAVELSTEAD: Okay, I have Dave Pierce and then George LaPointe and then Patten White.

DR. PIERCE: Most of the elements of the motion I can support. I'm still open to the number. I look forward to other comments regarding the appropriateness of the 131,000. We have some data that was just given to us by Bill. I'll take a look at that and see how that affects my position regarding the number itself.

My principal concern is about the fact that it's a voluntary cap. It seems to me that we've received a tremendous amount of information regarding what we should do with this addendum and specifically how we should deal with this local depletion issue for Chesapeake Bay.

The motion seems so uncertain relative to what decision would we make as a board regarding what to do with the Chesapeake Bay fishery, the reduction harvest, if, indeed, we did find next year that 138,000 or 140,000 metric tons were landed.

Okay, we would deduct the overage off the following year, so that reduces it down to a number lower than 131,000, but where does that leave us relative to the decision we must then make as a board to address the concern about local depletion in Chesapeake Bay?

That's a question that I think we need to answer. In addition, the last bullet, "above-mentioned cap to be reduced if existing CPUE or size-length frequency triggers a trip"; that's all well and good.

It seems to make sense, but, once again, if, indeed, they are tripped and the 131,000 has to be reduced, it's still a voluntary measure. So, I don't know where that leads us. We'll have, I'm sure, a lot of uncertainty as to what we will do relative to local depletion.

So, I need some further guidance from the maker of the motion regarding my specific questions.

CHAIRMAN TRAVELSTEAD: Let's go back to A.C. and see if he can help you out, David.

MR. CARPENTER: Dave, let me take your points here. If the harvest cap is exceeded, then they will be obligated to take a lower cap the following year.

I would assume that since this motion was conditioned on their good-faith participation in here, if we begin to see a pattern of them going over whatever the quotas will be, that this board would certainly have the option to come back and reconvene and re-evaluate this motion.

Regarding the idea that it would be reduced if the triggers are tripped, I think, there again, if the triggers are pulled, we do an immediate stock assessment. We don't wait for the next one. We will then decide whether this number was in fact too high or too low or what their pattern had been for this time.

But, more importantly, what this does do is it does initiate the research. It puts the cap in place a year earlier than we could otherwise get it. It assures that the industry is going to cooperate and participate in the science base that we have to develop.

Quite honestly, if, at the end of the five-year period, the answer to what's the quota supposed to be in the bay, whatever that is I expect is what we will go to at that point in time. This motion will cap any further expansion of the fishery above this level in the bay.

DR. PIERCE: If I may, Mr. Chairman, in response to those clarifications from the maker of the motion, I think what you're saying, then, is that, in your words, we look for patterns. And in particular, if we see a pattern of exceeding this particular cap of 131,000 metric tons, after five years then we would - after two years we would then take some action?

MR. CARPENTER: And we're all used to dealing with caps where you have multiple

fishermen, over multiple states, over multiple ports of landing, trying to keep track of that, and we're dealing with late reports and everything else.

This is essentially one company, and the plant manager knows every night, at the close of business, how close he's going to be to that 131,000 metric ton figure.

So, quite honestly, I don't expect the company to ever go over that number; and if they do, it's going to be a single load that they haven't accounted for coming in bigger than they expected kind of thing, which I don't think is a major concern.

So, unlike all other caps that we're used to dealing with, where you're trying to assemble data from all over the east coast, this is specific to a one plant unloading operation that keeps very good records and knows what they're doing and has submitted those records to the National Marine Fisheries Service for 40 or 50 years as a routine basis.

CHAIRMAN TRAVELSTEAD: Thank you, A.C. Bob, did you have some clarification you wanted to offer?

MR. BEAL: I just think there appeared to be some confusion about the first five or six words within the motion, "the existing adaptive management measures are maintained".

I think that addresses the issue of the new stock assessment coming forward with some information or some of these scientific studies that will be ongoing in the Chesapeake Bay, if they come forward with new information.

None of the requirements or provisions within the plan that allow this board some flexibility in reacting to new scientific information are changed by anything contained in this motion.

The five-year number in here is assuming everything is equal during that five-year period and we're conducting science, but if something new comes along during that five-year period, the board is not precluded from taking action based on new scientific information during that time.

CHAIRMAN TRAVELSTEAD: Very good. So, because we have adaptive management in the plan, any new information could result at any point in time in a change on what the board can do?

MR. BEAL: Yes, and this includes the biological reference points that are in the plan, as well as any other scientific information that is brought forward by the technical committee.

CHAIRMAN TRAVELSTEAD: Thank you very much. George.

MR. LAPOINTE: Mr. Chairman, I've got a process question or a process problem. We've got too many questions embodied in this motion right now, and it's hard to tease apart the issues.

It strikes me that we've got some fundamental issues in there broken out by staff. Do we use the status quo or do we use Option 1? If we go for Option 2, rather, what the amount is — and so it's hard process-wise to figure out how to move forward.

I think it's correct parliamentary procedure. I would move to divide the motion. The first part of the motion would be do we take Option 1, the status quo; or, do we take Option 2, a cap? Then we will peel off the other veneers as we go down, because right now we're getting into discussion about how you'd do underages and overages, and we have this fundamental question.

I know people, from talking to me, I'm undecided on it, but without that, we'll spend a lot of time and not get to those fundamental questions, so that would be my motion.

CHAIRMAN TRAVELSTEAD: All right, help me understand your motion.

MR. LAPOINTE: It would be a motion to divide.

CHAIRMAN TRAVELSTEAD: Okay, and explain where the division is.

MR. LAPOINTE: You can scroll up. It would be move that the existing adaptive management measures remain in place and that we adopt Option 1 of Issue 1.

CHAIRMAN TRAVELSTEAD: Period.

MR. LAPOINTE: Of the options of Addendum II, but it is the question on status quo or a cap.

CHAIRMAN TRAVELSTEAD: Okay, so you're going to put a period after "Addendum II" —

MR. LAPOINTE: Right.

CHAIRMAN TRAVELSTEAD: -- in Line 3?

MR. LAPOINTE: And then the conditions would be dealt with later.

CHAIRMAN TRAVELSTEAD: Okay. So, we have a motion to divide the question. Should I expect some advice on this? Let me have your attention, please.

It appears to me that the motion is intended that there be no cap in the addendum, which is the first decision in the matrix, but it's conditioned on certain things that are contained in the second part of the motion.

And if you separate them, you destroy the intent in favor of the original motion. So, it's my ruling that the motion to separate is out of order, and that it should be considered in its whole and voted on in that manner. Other comments? Patten.

MR. PATTEN D. WHITE: Thank you, Mr. Chairman. My interest in the separation was a little bit different. My primary concern is with the 131,000. We heard from the Omega people, as I understand it, that they weren't intending to increase their catch levels based on the last five-year average.

Now I'm hearing it a little bit differently. The suggestion was a hundred -- whatever it was, 105,000, and I wondered -- I guess while I support this motion, it's the number that I'm having a problem with. So, what's the procedure on that? Do we vote the whole motion down or do we make an amendment?

CHAIRMAN TRAVELSTEAD: Well, I suppose the option is up to you. I would rather not offer you any advice on that, quite frankly. I mean, you have both options available to you is the way I see it; although, keep in mind the way I read this motion, the 131,000 is a voluntary cap that's offered by industry.

The only way you can change that number, in my opinion, is to go back to industry and see if they would be willing to lower it. I don't know what they will say, but I suspect they would say this is the basement, this is as far as they can go; or, it no longer becomes a voluntary option and you're on to other measures.

MR. WHITE: Thank you for your answer. You actually answered my question.

CHAIRMAN TRAVELSTEAD: Okay, very good. Mr. Goldman.

MR. ED GOLDMAN: This comment is predicated on the fact that we're back on the original motion here. On the last bullet, where we talk about triggers, I have a little problem with that because the triggers we're talking about, if I understand it correctly, is on a coast-wide assessment.

I don't think we'll ever get to those triggers. We can never reach those triggers and still have a major problem in the Chesapeake Bay because that's what we're questioning now. These triggers will never get to them, so I think that's a major problem. Thank you.

CHAIRMAN TRAVELSTEAD: Okay, John Nelson.

MR. JOHN I. NELSON: Thank you, Mr. Chairman. Mine is a question of process. We were handed a graphic with data on it, with the notation of the source being the Stock Assessment Report.

I know, when I was looking at it, I thought, well, it's interesting information, and I suspect that it certainly was intended to try to provide insight to all of us.

My process question is we've gone through this before as far as data being presented to the commission and then making decisions on it without it having gone through the technical committee or being assured that it has indeed come through a vetting process that says, that, yes, this data is accurate, it's complete, et cetera, et cetera.

I just want to make sure that we have kept that in mind for this amount of data. I certainly appreciate Bill providing this information, but if it's not complete or hasn't been vetted through the technical committee as a complete package of information, then we ought to just keep it as it's an opinion of a group or an individual rather than a technically correct document.

I look to the technical committee to just verify one way or another just so we have that in mind, if they can do that at this particular time.

DR. MAHMOUDI: Yes, I just received that also, and I was looking at it. The first thing I can tell you, without getting into much detail on this, is this graph — what you see in yellow on that graph is in numbers.

Those are values of coast-wide abundance of age ones in numbers; and the rest of the figures you see, those are in metric tons in biomass. It's very difficult right now for me to convert those numbers to metric tons and really compare those trends.

That's the first thing. I was just given this. And, you're absolutely right, we need to look into this in a more careful way.

MR. NELSON: All right, having gone through it on another board and at the council level, we developed that process approach, Mr. Chairman, and, again, I appreciate the information being provided, but we ought to then treat it as information that is helpful from the standpoint of a person's point of view, but it may not be what we should rely on as technical information from our technical committee at this particular point; is that correct?

CHAIRMAN TRAVELSTEAD: Yes. I had a number of hands up earlier, and I didn't catch all of you, so you need to raise them again, but, Ritchie, I did see you.

MR. G. RITCHIE WHITE: Thank you, Mr. Chairman. This motion conditioned on the harvester's assurance of the following — I guess before I vote on this, I would like to have the assurance from the harvester in the record here that they will abide by these.

CHAIRMAN TRAVELSTEAD: Okay, I think that's acceptable. Let ask Mr. Gascon from Omega Protein to come up and provide what he can relative to your question.

MR. TOBY GASCON: Thank you. Toby Gascon with Omega Protein. The short answer to your question is, yes, we can abide by these. We feel very comfortable with these numbers. We do not look at this as an increase in catches.

This is not an allocation decision. It's a cap. The numbers that we had in the past don't come close to approaching this, and we really don't expect them to in the future. We don't see a problem with any overages or deductions.

As Mr. Carpenter said earlier, if we do run into that situation, I think it's going to be an isolated incident, and I think we're going to take care of it. We have existing adaptive measures in Amendment 1 should anything occur with the stock.

We're solidifying things a little more here with these extra numbers we're going to throw in that were in Addendum II. If those triggers were ever tripped, understand, again — we say this over and over — we have the biggest interest in the health of this resource.

We'll be sitting right here at this table with you trying to figure out what we need to do to get this resource healthy again. We feel right now this is sufficient, and we can make our commitment to you 100 percent that we will abide by this.

CHAIRMAN TRAVELSTEAD: Thank you very much. Pres.

MR. PATE: Thank you, Jack. While Mr. Gascon is at the mike, it might be a good time to address an issue that I want to raise. As I understand it, Omega Protein's landings as an individual harvester are protected by confidentiality provisions of the federal data records' keeping requirements.

That being the case, I think we need some assurance from the company that the board would have free access to their landings to determine their harvest relative to the cap, should it be adopted? Thank you.

CHAIRMAN TRAVELSTEAD: Mr. Gascon, do you wish to respond?

MR. GASCON: Mr. Pate, we have no problem with making that information available to the board.

CHAIRMAN TRAVELSTEAD: While he's up here, are there any other questions for Toby? Bruce.

MR. BRUCE FREEMAN: Just a clarification. I appreciate the candidness of the industry, but as indicated, I think, by the maker of the motion, if in fact these conditions were not held, then this issue would come directly back to the board for possible action; is that correct?

CHAIRMAN TRAVELSTEAD: That's the way I read it.

MR. FREEMAN: Okay, just for clarification.

MR. GASCON: Yes, that's correct. We feel that there is precautionary measures in place through Amendment 1, through Addendum I, and none of that's going to go away. We're going to have all of that in place.

We're still going to get our stock assessment numbers and so forth, and those will be available for us to work from. Yes, sir, we completely understand that; and as I said, we will be sitting here at this table working with you to try to correct that.

CHAIRMAN TRAVELSTEAD: Toby, let me ask you a question. If for some reason Omega were to exceed the 131,000 metric tons in any year, can we get a commitment from you now that you would appear before this board and offer an explanation as to why the number was exceeded?

MR. GASCON: Absolutely.

CHAIRMAN TRAVELSTEAD: Thank you. Ritchie, did you have a question?

MR. WHITE: Yes, I did. Thank you, Mr. Chairman. To follow up on the issue that Pat White raised — and I think you said, Pat, that there were discussions in the past that the 105,000, whatever that number is, that Omega did not see the need to exceed that, if I'm paraphrasing it correctly, Pat. If that's the case, where did the 131,000 come from?

MR. GASCON: The 131,000, quite frankly, came from this company wanting to work with this management board. We wanted to work within the system. We put science to it. We essentially came up with an OY specific to the Chesapeake Bay.

When you talk about 105,000 metric tons and the company is saying we're not going to increase our catch, you're comparing apples to oranges. 105,000 metric tons is an average. You're going to have good years. You're going to have bad years. You're going to have years where you have three or four hurricanes come in where you're going to have low catches.

You're going to be fortunate to have years where you have good weather where your catches are up. That's where the 105,000 metric ton average comes in.

All we're saying with 131,000 is that as industry we feel comfortable moving forward with a research

agenda to answer these questions and still addressing the concerns of the other stakeholders that our catch is not going to increase, and that 131,000 metric tons is sufficient for us to continue to operate in a sustainable manner.

I mean, when you talk about 131,000 metric tons, you're talking about a level that historically is way below what has been taken out of the bay in the past. And, 105,000 metric tons, if we had a great year, we might catch 115,000 metric tons. If we had a bad year and we had some hurricanes, bad weather, ships breaking down, we might catch 90,000 metric tons.

But, essentially, what an average would do would be to limit us on those good years, but we wouldn't get paid back for the trials and tribulations we have to go through on those bad years. I hope that answers your question.

MR. WHITE: Yes, it does, thank you.

CHAIRMAN TRAVELSTEAD: Are there any final questions for Mr. Gascon? Okay, I've got several hands. Steve and then Howard.

MR. STEVE MEYERS: Good afternoon. Since about, what, the late nineties when there was a consolidation in your industry there down to, what, ten, thirteen vessels, you had a range. What was the highest harvest you had in that five-year period.

MR. GASCON: I'm sorry, the range? I didn't hear you.

MR. MEYERS: Okay, what was the highest harvest you had within this five-year period?

MR. GASCON: What period is that?

MR. MEYERS: The five-year period since consolidation.

MR. GASCON: Since the vessel decrease? I think that was in '98 when I think we bought out Ampro. I'm speaking off the top of my head right now, but I want to say somewhere in the neighborhood of 127,000, 128,000 metric tons.

That was a stellar year. There was a bumper crop of menhaden. My understanding is that was a great year for menhaden. The weather conditions were right, and everything worked out. That was our high.

MR. MEYERS: That was the high, thank you.

CHAIRMAN TRAVELSTEAD: Howard.

MR. KING: Mr. Chairman and Mr. Gascon, that really speaks to the problem I have with this motion. The 131,000 I remember being reported as about the average over the last fifteen years. The menhaden stock, in spite of the not overfished and overfishing not occurring, is not the stock we had fifteen years ago.

Maryland's position is we're not looking to reduce Omega, but we are looking to not expanding that fishery in Chesapeake Bay. We view the five-year average as being the most representative series of catches consistent with the menhaden stock in Chesapeake Bay.

We could not support 131,000. In addition, if this motion were to pass with our vote, there would have to be some record of the oversight of ASMFC on this voluntary cap. We mentioned that in the adaptive management process, that ASMFC can revisit this at a future time, but I think we need to state that in the motion, so it's clear to those who read this motion and discuss the motion after we leave this room. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Howard.

MR. GASCON: Was that addressed to me?

CHAIRMAN TRAVELSTEAD: If you wish to comment, you can, sure.

MR. KING: Yes.

MR. GASCON: I want to go back and answer your point. I think at first you were saying that we aren't seeing what we've seen fifteen years ago; that the stock has depleted somewhat? Is that the concern of Maryland?

MR. KING: The concern is that 131,000 is not a proportional take in recent years as it would have been fifteen years ago.

MR. GASCON: I don't understand your question.

MR. KING: Let me direct it to the technical committee chair. Can you at least, in some sense, tell

us what the stock abundance is as currently assessed compared to what it was, say, fifteen years ago?

DR. MAHMOUDI: Yes, I'm really thinking about your question in terms of coastwide. As you know and as you explained it, the stocks are not overfished or overfishing is not occurring, and the spawning stock biomass is at a pretty healthy level.

There are indications that age one and two, the trends in the numbers are declining. The young-of-the-year recruitment indices in Chesapeake Bay shows a declining trend. The reason the spawning stock size is at the healthy level, based on the benchmark that is in Addendum I, these are basically because weight at age in the population has gone up.

So, the number of age one and two is declining, but at the same time weight at age has gone up, and this has resulted in basically larger spawning stock fecundity, which has kept this benchmark above the target level.

So, when you look at the overall spawning stock compared to historical levels, although we are at the healthy level, there is this concern that the declining trend in age one and two could have some potential effect in the future if weight at age changes.

MR. KING: Are there fewer menhaden in the stock over the past several years than fifteen or twenty years ago?

DR. MAHMOUDI: Well, compared to ten and fifteen years ago, basically when you look at the spawning stock biomass level, it has been pretty much a flat sort of level, so we are not really seeing that significant decline in the past ten or fifteen years.

CHAIRMAN TRAVELSTEAD: Okay, Pres, you had your hand up.

MR. GASCON: Mr. Chairman, if I could, I think I can expand on Mr. King's question a little bit. A lot of you may recall — this is before my time — in 1998 the fleet was reduced once again. The vessel capacity was reduced once again with consolidation, where it went from 13 vessels, the following year it went to 11 vessels to now we're to the 10 vessels that we're at now.

If our numbers are correct, since that reduction in fleet in the Chesapeake Bay — and I think Joe Smith can probably confirm this — I think our catch in the Chesapeake Bay has declined 26 percent, if that's a correct number.

I know back when we were operating with 13 vessels, you were looking at catches in the bay routinely of 170, 175, 180,000 metric tons. We saw that direct reduction through consolidation. That's the best I can answer that question. I know that since 1985, consistently catch in the bay has decreased.

CHAIRMAN TRAVELSTEAD: Thank you. Pres and then Bill.

MR. PATE: Thank you, Jack. I just wanted to clarify the statement that I made earlier about the confidentiality aspects of the landings data. I did not mean to assert, as chairman of the commission, that a legal determination had been made that that's the case.

I just wanted to make sure, for the record, that we would have unfettered access to the information should this motion pass, and we have to monitor the landings by the company. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you for that clarification. Bill.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman, a couple of things. First, with respect to the graph that I passed out and John's earlier comments, I hope it's obvious that the text here is opinion, and it's cited as such.

The graph that's passed out is fact. It's ASMFC data. The reason why you see abundance there in numbers is to give this board a full sense of the status of the stock and how it has changed over the last twenty years.

What we hear the most of is spawning stock biomass, and we have a comfort level. You just heard what Behzad had to say about that. We have a comfort level on that basis, but what we don't see very often is abundance in numbers and come to understand the implications of what he just said about how average sizes are going up.

It means we've got the fecundity in the spawning stock, but the numbers in the adult stock are going down steadily, and that's reflected in this yellow line. The reason for that is to show us that when you look at these options, the 131,000 metric tons in this case shown next to the five-year average, it becomes quite clear that the five-year average is much more appropriate, given where the stock is now, both in terms of landings and in numbers in the stock.

To put that in a couple of other terms, 131,000 metric tons, just to be clear, is the harvest level in Chesapeake Bay that was last exceeded in 1998. It's been that long since we've even gotten to that level.

If you look at this graph, you can see the stock has declined considerably over that time period. In addition, back in the nineties, when reduction landings in the bay were higher on average, the coast-wide population abundance was about double its current level.

So, the point is the stock in terms of numbers is going down and yet we're thinking of it in terms of how it was back in the nineties. I would offer that if our concern here is providing a forage base, that what's more important to the predator is how many prey out there and not that we have pretty good fecundity in the stock.

I also want to point out what's driving this is the recruitment failure, the fact that we've had terrible recruitment in Chesapeake Bay for the last ten years. This is a point of science. We've been referred to the stock assessment as the science, and yet we know that's coastwide and of less relevance to a Chesapeake Bay specific issue.

But, we know from direct measurement and not from some model output, we know that recruitment in Chesapeake Bay has been terrible for the last ten years, and that's what reinforces the specific problems we have in this area that we feel needs to be addressed as a precautionary measure in the interim while we develop more data. Thank you.

MR. GASCON: Can I respond to that real quick? Since we're on facts, this year our catch up until this point -- I just the numbers the other day -- 99 percent of our catch, both in the Chesapeake Bay-coastwide combined, is age two and three menhaden.

When we talk about recruitment, we're talking about age zero and one menhaden. I don't disagree with Mr. Goldsborough. I think that's why we need to start doing this research to look at everything, to look at water quality, to look at the ecosystem, to take a holistic approach to fisheries management. I think this is a significant precautionary approach, so we can move forward together cooperatively and do that.

CHAIRMAN TRAVELSTEAD: Let me say now we're back on the motion. I want to thank

you, Mr. Gascon, for coming to the table. I appreciate it.

MR. GASCON: Thank you for having me.

CHAIRMAN TRAVELSTEAD: I have a long list of names now, and we're going to try to get through them as quickly as possible. Again, we're back on the motion. Mark.

MR. GIBSON: Thank you. I wish we had been able to divide this question. I think it would have been much cleaner and easier for us to handle, but apparently we've been outwitted by a clever motion maker.

So, to this motion, I appreciate that the company is trying to work with this board and has come forward with this proposal. Cooperation between the commission and industry I think is an important aspect, so I'm glad to see that initiative.

I have some concern, like some of the speakers before, about some of the elements of it. The 131,000 metric tons, as I understand it, is an Fmsy-derived value by merging the stock recruit analysis with yield per recruit.

I understand how that's done, but the point being if it's an MSY-based analysis, generally we don't shoot for the fishing mortality that generates MSY. We shoot for something less than that, recognizing uncertainty in the system, so I have some issues with the 131,000.

As has been said earlier, I'm still not understanding how this board would enforce this agreement, if in fact there is an overage or a pair of overages. I still have some concerns about those two portions of the proposal.

CHAIRMAN TRAVELSTEAD: Joe Smith, come on up to the table. Joe is a member of our technical committee, and he's raised his hand, so I think we ought to hear from him.

MR. JOSEPH SMITH: Thank you, Mr. Chairman, a couple points of clarification. Joe Smith, National Marine Fisheries Service, Beaufort Lab.

We handle all the fishery-dependent data for the menhaden fisheries, both bait and reduction; three big datasets, catch, the daily logbook data, and then our

port sampling efforts. We have full-time port samplers at each port where fish are landed.

A couple of points. I ran over to the desk to talk to one of the staffers. That 131 number, I think it's real close. I don't have my calculator, but I think it's the 15-year average of removals from Chesapeake Bay.

A couple of timelines -- in the winter of '97-'98, Omega bought out their nearest competitor across the creek; and for fisheries, the fleet immediately went from 18 to 20 vessels down to 13. Omega fished 13 for two years, I think, '98 and '99, and in 2000 they went to ten vessels.

Since the year 2000, we've been at ten vessels in Chesapeake Bay. In those five years, 2000-2004, Omega has approached that 131 level a couple of times, getting close but not reaching it. There's been a couple of other years where they've been far below that number.

To change gears a little bit, I would have to agree with the person at the table that mentioned vetting this graph that Bill passed around. It was the first time I had seen it this morning. I think I recognize the yellow line as probably the numbers that are lifted from the stock assessment, abundance of fish coastwide.

But, in talking with Dough Vaughan this morning, what's driving that line -- and the line is representing one-plus fish -- what's driving that line are the ones. If you take out the ones and look at the two pluses, Doug thinks it would probably be flat-lined or trending down a little bit.

If you looked at the three-pluses, it would be increasing. So, it's depending on what you want to throw in there. I would have to agree with Behzad that we're kind of in an apples and oranges thing in that one line is in thousands of metric tons and the other one is in numbers of fish. It's a bit of quandary there.

But, indeed, probably the ones are driving that yellow line. And, indeed, through July 31st our port sample and efforts in the bay, I think it's 67 percent age twos and about 32 percent age three-pluses, with just a sliver of ones. I think it's 1 or 2 percent age ones.

CHAIRMAN TRAVELSTEAD: Thank you for that information, Joe. You might want to stay nearby in case board members have additional questions. Steve, you had your hand up?

MR. MEYERS: Yes, Mr. Chairman, thank you. Again, we're dealing with a coast-wide stock of fish. It's not overfished; overfishing is not occurring. We've got a benchmark that we have all agreed to, and it's coastwide.

The question is with Chesapeake Bay, localized depletion, what's going on in the bay. Through this motion, we will have ready assistance to get into the bay and groundtruth a lot of the science that we're trying to get going here.

This will allow us to have a much faster response time as to whether or not localized depletion is occurring; and thus we can come back to the board with these data and have a more informed decision as to what we need to do about the inside of Chesapeake Bay. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. I had a number of concerns, I think most of which have been covered, except for the one dealing with the tonnage, the 131,000 metric tons. My understanding of the issue from the localized depletion and forage, if I were to make a motion, I would include the total harvest of the bay, including bait, purse seine, as well as reductions and other types as well.

If, in fact, it's a resource issue, I think all gear need to be included. This particular number is troublesome because it deals only with the reduction fishery.

CHAIRMAN TRAVELSTEAD: Patten.

MR. WHITE: As I always try to, Mr. Chairman, heed your advice, I am now going to go against it. I would like to make an amendment to this motion, because that's what I hear going around the room, everybody is having great consternation with 131,000.

And based on Mr. Gascon's comments, I would like to amend the motion to have it read 115,000 metric tons. Let's see if that gets us off the dime.

CHAIRMAN TRAVELSTEAD: All right, we have an amendment to the motion to change 131,000 metric tons to 115,000 metric tons. Is there a second to the motion? Seconded by Senator Gunther. Let me consult with staff for just a minute

before we proceed. Let me have your attention. We're going to take about a ten-minute break.

(Whereupon, a recess was taken.)

CHAIRMAN TRAVELSTEAD: If you'll take your seats, we'll reconvene. Let's come to order, please. I think we're close to voting on the main motion. I don't think we need a whole lot more discussion on it. We will take a little bit more, but we're running out of time, as you know.

We have a motion to amend the voluntary number that is in the main motion to change it from 131,000 to 115,000. I think the proper way to proceed would be to ask Omega Protein, once again, if they would support changing their voluntary approach to that new number. I'm going to ask Mr. Gascon to come back up and comment specifically to that number.

MR. GASCON: Thank you, Mr. Chairman, to that 115 --

CHAIRMAN TRAVELSTEAD: Yes, sir.

MR. GASCON: -- if I'm correct. Unfortunately, we feel as though we've made a significant commitment here to work with the commission and move forward and at the same time try to address the stakeholders' concerns.

We have a very long history of working with the National Marine Fisheries Service, with this commission, and we want to continue and remain working in this commission and working together in this research to try to go forward.

We've really had to stretch this a lot, and the people that know me will tell you that I came with 131 because that's what I can do and that's what I told everybody, and I was not going to start with a number and start negotiating.

131,000 metric tons is what this company feels comfortable with, and we think it's fair. So, no, on the 115 I guess would be the short answer.

CHAIRMAN TRAVELSTEAD: Okay, thank you. Based on that, I'm going to rule that the motion to amend is out of order because it affects the voluntary nature of the conditions that are associated with it. We are back on the main motion. We're going to take a few more comments. There's a commitment to go to the audience. We'll do that and then we'll vote. Pat.

MR. WHITE: I would like to move to call the question after you go to the audience.

CHAIRMAN TRAVELSTEAD: Well, there's still a couple of people around the table that we haven't heard from at all, and I would like to hear from them, and then we'll go to the audience. Anne.

MS. ANNE LANGE: Anne Lange, National Marine Fisheries Service. One of the questions that I heard at the public hearing that I went to -- and I know that Nancy raised it, and I would like to ask Joe Smith to come to the microphone and address it -- the question was how do we trust the data; how do we know that we're getting an accounting of what's being landed?

I think the National Marine Fisheries Service has a long history of being involved in this -- our Beaufort Lab -- in collecting the data. I think having everybody understand how good the data are is important.

MR. SMITH: Mr. Chairman and board members, like I mentioned, we've got three big datasets at Beaufort. Very briefly, the first two and then on to the logbook data.

The catch records we get monthly; we get monthly offloads from the company. They tell us what was offloaded daily for each vessel. Then we have port samplers at each port that meet the boats daily. Not every boat is sampled daily, but we get a sample from four to five vessels on a good unloading day. We age up to 4,000 fish a year coastwide on the Atlantic.

The logbook data is indeed that. They're daily logs. The captain itemizes his purse seine sets. Among other things, we get the time the set starts and at finish, the captain's at-sea estimate of catch, location of the catch and some weather variables and distance from shore.

The logbook program was started in the late seventies. We have the data computerized back to 1985 on the Atlantic. We get mailed biweekly batches of those logbooks from the company, and we enter them at Beaufort.

Again, those logbooks are at-sea estimates, but these captains are pretty good estimating their catch. We make slight adjustments at the end of the year based on the total unload for the vessel. In other words, the captain may say he caught 40 million fish, but the

unloads say he had 42, so we adjust accordingly each individual set.

It's not like there's just one number for the daily catch in a single location. We do have itemized data for each purse seine set. I want to say there's about 5 or 6,000 sets a year coastwide, maybe.

CHAIRMAN TRAVELSTEAD: Thank you, Joe. Bill.

MR. WINDLEY: Thank you, Jack, I'll make this brief. A question came to my mind, and I spoke to staff to get some clarification, and that is the industry offered this plan to the board. It isn't actually the industry that's doing it.

It's Omega and it has nothing to do with Beaufort Fisheries. If we use this for a cap on the bay, it's not really a cap on the bay, because Jule can come up and fish all of those fish he wants to. He's not committing to anything.

There's no legal instrument on file with the commission giving Omega the authority to speak for Jule. Bob said that would be a criterion for them to be able to do that. I don't see it as cap on industry. I see it only as a cap on Omega Protein.

And while I admire what they're trying to do, with the right economic motivation, Beaufort Fisheries would have to do what they would have to do. This in no way commits Beaufort Fisheries.

CHAIRMAN TRAVELSTEAD: Niels.

MR. NIELS MOORE: Thank you, Mr. Chairman. I would like to speak in support of the motion. The commission has developed Addendum II to address scientific uncertainty associated with the potential occurrence of localized depletion of menhaden within the Chesapeake Bay.

Some stakeholders have concerns about the possibility of this phenomenon during the course of the past year. Many of these same stakeholders raised similar concerns about the ecological ramifications of bycatch within the menhaden fishery during the early 1990's.

At that time management reaction to these concerns was to institute a scientific study to evaluate bycatch within the menhaden fishery. Ultimately, through a science-based methodology, it was determined that bycatch constitutes a very small portion of overall

harvest; and, further, that its levels are not problematic and do not merit the imposition of additional regulatory measures by fishery managers.

In hindsight, these events served to exemplify a coherent responsive management process; identify a potential problem, design and implement a scientific study to examine the potential problem, and then regulatory action accordingly, if necessary.

In sum, while scientific uncertainty is ubiquitous in fishery management, conservative rather than arbitrary regulation seemingly serves a wise and productive course of action.

Indeed, the Chesapeake Bay is not the sole estuary along the Atlantic coast nor is menhaden the only specie of which large quantities are removed from a discrete area. Localized depletion may or may not be potentially occurring in any number of finfish and shellfish populations in any number of estuaries as a result of both natural and/or man-made causes.

Hence, the action of the commission related to menhaden serve as precedent for other important species under the purview of the commission. Accordingly, the commission process should remain conservative, science-based and any regulations commensurate with the potential risk at hand.

Currently the best available science indicates that no additional fishery regulations are necessary to ensure the sustainability of the Atlantic menhaden resource. According to the commission's technical committee, menhaden populations are healthy and not overfished.

Similarly, the menhaden workshop organized by this board in October of last year recommended no additional immediate regulation such as the options contained in Addendum II. Furthermore, the total harvest by the bait and reduction fisheries represent only a fraction of the coastwide maximum sustainable yield, as well as the equilibrium yield, estimated between 540,000 metric tons and 751,000 metric tons.

In sum, the best available science indicates no urgency to impose additional restrictions on menhaden fisheries. On the subject of localized depletion, too little data exists to form any scientific conclusions about its potential cause, location, duration, or even whether its possible occurrence presents a concern for fishery managers.

However, I believe the current potential existence or non-existence for localized depletion is best summed by the executive director of the ASMFC, who plainly states, "The commission has no science-based information indicating whether this is happening."

Yet, in light of the fact that the menhaden stock is healthy and that the best available science substantiates no urgency to impose additional restrictions on menhaden fisheries, the principal stakeholder in the reduction fishery has stepped forward with proactive conservation measures upon itself.

It has also offered its essential in-kind support of scientific efforts to examine the localized depletion issue within the bay. I believe these industry efforts are commendable and clearly reinforce the commission's rational science-based approach to fishery management.

In conclusion, I sincerely hope this board will support the earnest efforts of the menhaden reduction industry to further its goal of ensuring the long-term health of menhaden populations for the benefit of all dependent stakeholders. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Other comments on the motion? David.

DR. PIERCE: All right, the motion is one of voluntary cap, and I need to point out that we went to public hearing with two choices of a fixed cap or no caps. The motion is sort of a hybrid; it's a voluntary cap.

My agency, the Division of Marine Fisheries, favors a fixed cap; not one that is of a hybrid form that is voluntary. Now, we do recognize, of course, that we have no data to prove or to disprove the local depletion problem that potentially exists within Chesapeake Bay.

Nevertheless, the statement of the problem that is in the addendum makes it very clear that ASMFC has great concerns about localized depletion in Chesapeake Bay and says there is potential for that to happen. So, we favor a fixed cap; therefore, I could not vote in favor of this motion.

The other question is 115,000 or 131,000 as depicted in the motion, and we favor the 115,000 as opposed to the 131,000 because if, indeed, the blue line provided to us — again, recognizing this is data provided at the last minute and hasn't been vetted —

Bill Goldsborough's blue line showing the Chesapeake Bay reduction landings in thousands of metric tons in the last five or years or so has fluctuated up and down, the 115,000 metric tons would tend to represent, I suspect, more of a cap regarding the reduction from Chesapeake Bay -- reduction landings from Chesapeake Bay.

And if, indeed, we're concerned about capping, then we should be using a number that would truly represent a cap and that would not reflect a potential rather significant increase in landings, reduction landings from the bay, and that would be the 131,000 metric tons per year.

Now, we fully appreciate the concerns of the industry regarding their desire to have it at 131,000. That goes without saying, but, nevertheless, this potential for local depletion does seem to be real. If, indeed, the blue line is correct and those reflect accurate landings of reduction from Chesapeake Bay, then we couldn't support this motion.

CHAIRMAN TRAVELSTEAD: I think we're starting to get some repetition in the comment from the board, so at this point I am going to go to the audience. Steve.

MR. MEYERS: Thank you, Mr. Chairman, just a quick question to the chair of the technical committee. We talked earlier about this 131 being something that came out of the Ricker and Beverton-Holt runs in the stock assessment process. What was the actual MSY calculated, using those runs?

DR. MAHMOUDI: I believe for Beverton-Holt, what Doug Vaughan provided to Omega Protein, it was 541,000 -- could you please give me one second, and I'll look at my numbers. I believe it's 541,000 based on the Beverton-Holt; and 700,000 pounds based on the Ricker model.

MR. MEYERS: So, Mr. Chairman, this 131, is it roughly, what, about 25 percent of that number?

DR. MAHMOUDI: Roughly about 25 percent of that number.

CHAIRMAN TRAVELSTEAD: All right, Bill Goldsborough was the last hand I saw, and then we're going to go the audience.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. With respect to what scientific

information might be available of relevance to the Chesapeake Bay, first of all, as has been pointed out, protracted poor recruitment, but then the whole issue is an ecological issue, and we have been trying from different viewpoints to address this from a single-species coast-wide perspective.

But, if you truly look at it from an ecological perspective, then you'd want to recognize other scientific information, reduced menhaden in the striped bass diet, dramatically reduced over the last twelve years, that's documented; reduced weight-to-length ratio with Chesapeake Bay striped bass, that's documented; increased disease as much as 70 percent mycobacteriosis in Chesapeake Bay striped bass; and reduced survival rate of Chesapeake Bay striped bass, in two different estimates 20 percent reduction since 1997, when mycobacteriosis was first detected.

Are all these things tied together, do we have cause and effect? No, we don't. Do we have sufficient information for a prudent manager to take proactive measures to be conservative, to borrow a word, and ensure that we don't end up in a crisis?

When the motion was made, the statement was made by the maker that we're not in a crisis situation. I submit that it's not our job here to wait until there's a crisis before we act, but to act to avoid a crisis.

Also, with respect to the issue of vetting, I want to point out that the only reason this graph came before this board at this time was because it's in response to a last-minute submittal of this proposal, which was also not vetted before the technical committee.

And this is an analysis; ours is just citing commission data in this graph. And, finally, let me point out that the number, 131,000 metric tons, represents a 25 percent increase over the five-year average and a 38 percent increase over last year's catch in Chesapeake Bay.

I submit, given the information before us about the ecological imbalance in Chesapeake Bay, is now a time to increase harvest to that extent?

CHAIRMAN TRAVELSTEAD: Okay, we're going to go to the audience. For those of you who arrived late, here are the ground rules. We're going to take an equal number of comments from those in favor and those who are opposed. Unless they're substantial, we'll end the comments when the smaller group ends their comments.

Let me first have a show of hands of those who wish to speak in favor of the motion. We have four hands in favor of the motion. We're going to take four comments then opposed to the motion. We'll take them one at a time.

I would ask the four speakers who wish to speak in favor of the motion to come forward, so we don't waste any time. You're going to be allowed one minute each to speak. Now let me see those who wish to speak against the motion. One minute each, please, and speak directly to the motion.

MR. GASCON: Members, once again, my name is Toby Gascon. I appreciate the opportunity to come here today. I appreciate the opportunity to work with all of you over the past couple of years. It's been challenging, but I've enjoyed it.

I think we've reached the point now to where we can move forward together, cooperatively, and start to answer some of these questions. I think it's important to remember, when we look at the menhaden stock, that we are talking about a universal stock.

It's always been recognized that way. We're talking about one of the most significantly studied fish species out there. Some may characterize this as we're asking for an increase in our harvest. We're not asking for an increase in our harvest.

I've always been honest with you, and I'll be honest with you now. We have ten boats; we have a certain amount of days we can fish. There's good weather sometimes; there's bad weather sometimes. We're going to catch what we catch in those days.

We're not asking for an increase in harvest. This not an allocation issue. This is a cap that we feel as though we can come forward as industry, put in place, move forward to get the research done, and address the concerns.

If you will all remember, when we started this whole thing out a year and a half ago, it was that we built the new facility and we were going to triple our catch in the Chesapeake Bay. I think this addresses that directly. We can go forward, we can answer these claims or attempt to answer these claims of localized depletion with the industry's cooperation.

That's how we've worked in the past, and that's how we would like to work in the future. I appreciate the

opportunity to work with you, and I look forward to working with you in the future. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you, Toby. Ken, you're next.

MR. KEN HINMAN: Thank you, Mr. Chairman. Ken Hinman, National Coalition for Marine Conservation. I urge you to vote against this motion. I think it's the wrong thing to do. I think it's wrong for the resource; it's the wrong time to do this; and it's just wrong as far as the public is concerned.

We just heard this afternoon that over 26,000 members of the public commented during the Addendum II process. By my estimation, over 25,000 of those people were asking you to do more than this; to set a cap lower than this, at least at 105,000 and even lower.

In fact, no one who commented during that public comment period supported this option because it's not one of the options that was presented to the public.

Option 1 is status quo, no cap on the Atlantic menhaden harvest. It doesn't say status quo with a voluntary cap of the industry's choosing. That's really what we're dealing here with, this 131,000 metric ton number.

We heard from the chair of the technical committee that the formula used to arrive at this number is not a formula that the technical committee endorsed using in a stock assessment because of the high level of uncertainty.

We heard that this formula was based on estimates for a coast-wide population. You couldn't even discuss changing that number to 115,000 or anything else because the representative from Omega Protein would not agree to it. Therefore, all discussion of other options for a cap came to a close.

There was a lot of discussion about the graph that was handed out, and Bill Goldsborough I think addressed most of those issues. I just think it was rather odd to me that it was attacked so much; whereas, this 131,000 number, which has not been really looked at and apparently would probably not pass muster with the technical committee, from what we heard, is being accepted.

CHAIRMAN TRAVELSTEAD: Ken, your time is up, I'm sorry. Who was the next speaker in favor?

MR. SEAN MCKEON: Thank you, Mr. Chairman. My name is Sean McKeon. I am the executive director of the North Carolina Fisheries Association. I would urge you to vote for this amendment. I think it's very good on a number of points.

First, I think we have to look to science and not to rhetoric. From what I've read particularly from most of the organizations opposed to this, particularly Greenpeace and CCA, has been nothing but rhetoric. If we look to science, then the amendment stands up to peer-reviewed scrutiny.

Second, I think you have in place in this amendment the adaptive management measures, and those will be sufficient to address new information as it becomes available. We would urge you to vote for this amendment very strongly. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Dick.

MR. DICK BRAME: Good afternoon. I'm Dick Brame with the Coastal Conservation Association. I appreciate industry's making this motion and volunteering to come forth with an effort. But, I think a voluntary cap, the central part of this motion, would send the wrong message to the public.

In a sense you guys are the bank. You guys control the fishery. The question is would you make a \$135,000 mortgage to somebody, and they volunteer to repay it? It's really the same thing. I think a voluntary cap sends the wrong message to the thousands of people who sent in e-mails and letters and the hundreds of people who came to public hearings.

It was not even brought up. I appreciate them doing that, but I think it does send the wrong message. You've got to remember why we're here. We don't know if localized depletion is going on the bay. We do know that 60 percent of the coast-wide harvest is occurring in the Virginia half of Chesapeake Bay.

All we're asking is that you hold the harvest level at the average of the past five years, which is a reasonable thing to do, while we determine if that localized depletion is going on. If it's not, then we

take the cap off. It's really that simple. Thank you, and that was less than a minute.

CHAIRMAN TRAVELSTEAD: I know it was, very good. The next speaker in favor.

MR. CHARLES WILLIAMS: Thank you. My name is Charles Williams, and I'm from Reidville, Virginia. I used to be employed by the menhaden industry. I come up here of my own free will. I'm not on anybody's payroll. I'm in the marina and restaurant business right now.

I have flown for 25,000 hours and 25 years of looking at these little fish, the menhaden, trying to figure out what they're thinking, where they're going, how to catch them. In my opinion -- and I'm not an expert; we've got experts here, but in my opinion menhaden are smart. They can be conditioned.

They know what they like and what they don't like. It's my belief that when they go into polluted waters, that is the issue that we need to be dealing with. I think Maryland -- there's been a lot of evidence shown right here that there's a lot of pollution in the Maryland waters and lesions on the rockfish, lack of rockfish or lack of menhaden in the area in Maryland, it's my belief that is because of the pollution rather than the issue.

We're going after the symptom rather than the problem when we're dealing with the menhaden. If you go into a restaurant and you sense that the food is bad or that your eyes are going to burn and water because of smoke and cigar smoke, you're going to avoid it.

Menhaden do the same thing. They're going to avoid areas that are sensitive to them, and they're not going to go in them. So, I think that I would encourage the board to support what we're doing here. Thank you.

MR. MICHAEL DOBELY: Thank you, Mr. Chairman, Michael Dobely on behalf of the Recreational Fishing Alliance. We are opposed to this motion for a couple of quick reasons.

While it may, in a superficial way, be within the matrix of what went out for public comment, the reality is there's too many points here that are profound, that are going to have a big impact.

It's voluntary. The number is different than went out for public comment. We believe it's inappropriate. Frankly, we didn't think any of the caps were going

to be effective if we're dealing with the problem of the mycobacteriosis, as pointed out, that began in 1997, et cetera.

Nonetheless, we can see where — you know, we like people coming to the table and bringing in different ideas, so our suggestion would be that if industry would like to have this motion considered — and because there are parts of it that did not go out for public comment — reopen the public comment period for 45 days for written comments.

That way the public will have its opportunity to speak to it, and, who knows, there may be some other options that you might want to consider, considering that the 19,000 people who spoke in favor of a moratorium and not just a cap, consider that, please. Take it back out for public hearing, 45 days, written comment, then we can see where we can go from there. Thank you.

CHAIRMAN TRAVELSTEAD: Thank you. Who is the last speaker in favor of the motion? Yes, sir, come on up.

MR. GREGORY P. DIDOMENICO: Thank you, Mr. Chairman; thank you, Commissioners. My name is Greg DiDomenico. I am the executive director of the Garden State Seafood Association. I will also be brief and probably under a minute.

I want to commend this commission for considering this amendment. We feel it is a reasonable request offered by the industry that will be affected the most. It's based on sound science and offers practical solutions for management to problems that appear to exist. We respectfully offer our full support of this amendment. We ask you to pass this motion. Thank you very much.

CHAIRMAN TRAVELSTEAD: Rich, you're the last public speaker.

MR. RICHARD NOVOTNY: My name is Richard Novotny. I'm the executive director of the Maryland Saltwater Sportfishermen's Association. I am going to be a little bit longer than one minute. I hope the chairman will allow it since you allowed industry up here for 15 or 20 minutes answering questions or making comments.

CHAIRMAN TRAVELSTEAD: Rich, you have one minute.

MR. NOVOTNY: I would respectfully like to remind this commission that all but two states, whether by legislation or regulation, have severely curtailed or prohibited to taking of menhaden for the purpose of reduction in words that they have enacted a moratorium.

Once again, I'm not getting into a moratorium since that wasn't in the comment. Many states did this because they saw a need to take a risk-adverse approach due to the concerns over localized area depletion or forage base.

As stewards of our nation's marine resources, we ask that you manage our fish stocks first before giving any consideration to the various user groups. The suggested cap is only a token gesture by members of this body to please the general public, and the general public really feels that.

It must be done significantly. You've had 26,000 responses and comments on this subject, probably more comments ever since striped bass. It's the hottest potato you've ever had. 90 percent of them are asking for at least a conservative cap on the fishery, which would be at least well under what has been proposed here.

We cannot believe — I've been here 15 years, and I've got to know quite a few of you members of this body. I have a lot respect for you. I cannot believe that you're going to allow this motion to take effect. It has to be something more significant for the general public. The general public is really upset. The general public wants to see something done.

CHAIRMAN TRAVELSTEAD: Rich, your time is up. Thank you for your comments.

MR. NOVOTNY: Well, Mr. Chairman, I'm sorry you couldn't give me more time like you did the industry, but it seems like the industry is running this facility now, and you're allowing industry to run and —

CHAIRMAN TRAVELSTEAD: Thank you, Rich.

MR. NOVOTNY: Okay, I'm sorry, Jack, but that's the way we feel.

CHAIRMAN TRAVELSTEAD: The issue is now back to the board, and I hope you're ready to vote, quite frankly. I doubt very seriously if anyone's

mind is going to be changed by more discussion on the issue. Vito, one last comment.

MR. CALOMO: Thank you, Mr. Chairman. I appreciate one last comment, Mr. Chairman. In the last 20 years of so, I was taught that we make decisions on the best available science. People like George LaPointe have guided me. Eric Smith has guided me, John Nelson, and David Borden many times on the New England Fisheries Management Council, that we work with the best available science.

I have voted myself, because of the best available science, to put my own people out of business when it came time for days at sea, lack of fish stock. It's been very difficult for me, but I believe in the best available science. I believe in the people that sit at this table as directors of division of marine fisheries.

They've also taught me, while I sit in Massachusetts, the best available science we need to go by. Well, my fellow commissioners, I don't see the best available science being used here. I see there are people, no matter what we say, would be against certain user groups, and that's not science.

The best available science says today that we are not overfished and overfishing is not occurring. The best available science does not tell us that we need a cap on the fisheries in the Chesapeake Bay.

What we're missing, ladies and gentlemen, is that the best management team that we have, the ASMFC, is sitting here bringing science, managers and industry together. This is the whole point. Whether the figure is 131 or 115 or 110 or 240, that's really immaterial today.

Tomorrow that may be because the best available science tomorrow may say we have to reduce that figure.

CHAIRMAN TRAVELSTEAD: Vito, I'm going to ask you to —

MR. CALOMO: I'm sorry, but I'll finish up. I just want the people that are managers here to go by the rule that we always have had the best available science. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you. All right, I assume we're ready to vote. Is there a need to caucus? Okay, we're going to take a two-minute caucus, and then we're going to come back and vote. Please don't leave the table.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, can we come back to order.

MR. JEFF C. TINSMAN: Mr. Chairman, can we have a roll call vote on this, please.

CHAIRMAN TRAVELSTEAD: Yes, we can.

MS. WALLACE: Maine.

MAINE: No.

MS. WALLACE: New Hampshire.

NEW HAMPSHIRE: No.

MS. WALLACE: Massachusetts.

MASSACHUSETTS: Yes.

MS. WALLACE: Rhode Island.

RHODE ISLAND: No.

MS. WALLACE: Connecticut.

CONNECTICUT: No.

MS. WALLACE: New York.

NEW YORK: No.

MS. WALLACE: New Jersey.

NEW JERSEY: No.

MS. WALLACE: Delaware.

DELAWARE: No.

MS. WALLACE: Maryland.

MARYLAND: No.

MS. WALLACE: PRFC.

POTOMAC RIVER FISHERS COMMISSION: Yes.

MS. WALLACE: Virginia.

VIRGINIA: Yes.

MS. WALLACE: North Carolina.

NORTH CAROLINA: Yes.

MS. WALLACE: South Carolina.

SOUTH CAROLINA: No.

MS. WALLACE: Georgia.

GEORGIA: No.

MS. WALLACE: Florida.

FLORIDA: Abstain.

MS. WALLACE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

MS. WALLACE: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

CHAIRMAN TRAVELSTEAD: By my count, the motion fails 10 to 6 with one abstention. Howard.

MR. KING: Thank you, Mr. Chairman. I would like to applaud you for your deliberative handling of this situation, a trying period, but you always do well, Jack, and we all appreciate it.

I do have a motion to offer to the board, and, Nancy, if you could put that motion up there. I'll read the motion and I'm going to add one item to it.

I move to implement a five-year annual cap beginning in 2006 of the landing of Atlantic menhaden caught in Chesapeake Bay by the reduction fishery to be the mean annual landing of the reduction fishery in Chesapeake Bay for the five-year period ending in 2004 as determined by the Menhaden Technical Committee; and for any overages in any year to be subtracted from the subsequent year and any underages in any year to not be added to the subsequent year.

If you would make that addition, Nancy, I would appreciate it. I'll ask for a second and then I would like to make a statement.

CHAIRMAN TRAVELSTEAD: All right, we have a second from Pat Augustine and a number of others. Back to you, Howard.

MR. KING: Thank you, Jack. I just want the board and the reduction fishery representatives to know that I view this motion to establish a cap on the menhaden reduction fishery in Chesapeake Bay not as a cap to reduce the fishery, but rather as a cap not to expand the fishery, especially during the prescribed period of essential research to examine the potential of local depletion of menhaden in the Chesapeake Bay.

Adoption of this motion will recognize the need to consider all the users of the menhaden resource, including dependent predator species, while allocating menhaden for the reduction fishery that was previously acknowledged as sufficient for the dependent companies and their workers.

I believe the motion meets the test of fair and reasonable, and I would invite representatives of the reduction fishery to support the motion and to collaborate on the needed research as we undertake it in the next few years. Thank you, Mr. Chairman.

CHAIRMAN TRAVELSTEAD: Thank you. Now, before we take additional comments, I don't think it's all that necessary. I mean, everything that everyone has said around the table still applies, only in the reverse, I suspect. So, is there any urgent comment from any board member before we vote on this? Man, I can't believe it, Bill Goldsborough and Bruce Freeman.

MR. GOLDSBOROUGH: I will be very direct, Mr. Chairman. I just wanted to read into the record two sentences from the peer-review report.

CHAIRMAN TRAVELSTEAD: Read.

MR. GOLDSBOROUGH: And speaks to the issue of best available science, which was brought up. The technical peer review of the stock assessment — these are fishery scientists, independent — concluded in their report, "Some participants expressed frustration with the lack of ecosystem-based information in the stock assessment. In particular, there was concern that while the stock assessment tracks status on a coast-wide basis, it

would not detect localized depletion and reduced ecological function that could occur when the fishery is concentrated in one part of the coast.”

In other words, Mr. Chairman, the stock assessment is not the best available science for the issue before us today.

CHAIRMAN TRAVELSTEAD: Thank you. Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. Would the maker of the motion be agreeable to a friendly amendment to change reduction fishery to include all gear?

MR. KING: I would not.

CHAIRMAN TRAVELSTEAD: Any further comments? We’re ready to vote; do you wish to caucus? All right, we’re going to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN TRAVELSTEAD: Okay, are we ready to vote? Do you wish a roll call? Okay, Nancy, please call the roll.

MS. WALLACE: Maine.

MAINE: Yes.

MS. WALLACE: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. WALLACE: Massachusetts.

MASSACHUSETTS: Yes.

MS. WALLACE: Rhode Island.

RHODE ISLAND: Yes.

MS. WALLACE: Connecticut.

CONNECTICUT: Yes.

MS. WALLACE: New York.

NEW YORK: Yes.

MS. WALLACE: New Jersey.

NEW JERSEY: Yes.

MS. WALLACE: Delaware.

DELAWARE: Yes.

MS. WALLACE: Maryland.

MARYLAND: Yes.

MS. WALLACE: PRFC.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS. WALLACE: Virginia.

VIRGINIA: No.

MS. WALLACE: North Carolina.

NORTH CAROLINA: No.

MS. WALLACE: South Carolina.

SOUTH CAROLINA: Yes.

MS. WALLACE: Georgia.

GEORGIA: Yes.

MS. WALLACE: Florida.

FLORIDA: Abstain.

MS. WALLACE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

MS. WALLACE: U.S. Fish and Wildlife.

U.S. FISH AND WILDLIFE SERVICE: Abstain.

CHAIRMAN TRAVELSTEAD: By my count, the yes votes were 13; the no’s were 2; and 3 abstentions. The motion passes.

If you will now refer to your decision matrix, I believe the motion that you just passed took care of –

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MS. WALLACE: **We just need to clarify it was 12 yeses; not 13 — 12 yeses; 2 no's and 3 abstentions, for the record.**

CHAIRMAN TRAVELSTEAD: Thank you for that clarification. The motion that just passed took care of Items 1, 2, 3, 4, 5, 7 and 8. What was not addressed was the issue staff has identified is whether the harvest is ended sooner than at 100 percent. The options were 85, 90, 95, and 100 percent. Anyone wish to make a motion on that item? Pat Augustine.

MR. AUGUSTINE: **I would like to make the motion, but I'd like to ask the Services how fast is their date turn-around, so that if we were to set it at 95, would that give the management time to shut down the fishery or not?** Could they address that?

MS. LANGE: Joe Smith would have to answer that.

CHAIRMAN TRAVELSTEAD: Joe, come on up, please.

MR. SMITH: The logbook information comes in biweekly. We receive it collated, key enter it. Right now there's probably a month, month and a half lag time. I might add that we're not in the monitoring business, per se, right now.

That's going to have to come down from on high, from Dr. Hogarth if you use the captain's daily fishing reports as a vehicle to monitor the cap. Right now it's probably a 45-day turn-around, maybe shorter, 30 to 45 days.

CHAIRMAN TRAVELSTEAD: George, to that point.

MR. LAPOINTE: Clearly, the current system doesn't work. I might offer the way herring works. What happens with herring is the landings are called in, I believe, daily to, in our case, Maine DMR.

So, within a couple of days, they know whether the landings are going to be exceeded or not. It strikes me that we need a system similar to that; and with one company and ten vessels, we could use the Commonwealth of Virginia — I'm offering your services — to get a system that's more timely.

A month and a half isn't going to work if you're trying to do this kind of system. I just offer that. I don't know all the technical details of how it works —

- my staff would — but just that it works for herring, and it could work for menhaden as well, I suspect.

CHAIRMAN TRAVELSTEAD: There is one little glitch in that. I don't see it as a major glitch, but the Virginia Marine Resources Commission does not have regulatory authority in Virginia over menhaden, so all of these issues will have to go to our General Assembly.

They will have to grant us — they'll either pass the legislation to do it themselves or grant us regulatory authority to do it.

MR. LAPOINTE: I just offer it as a model.

CHAIRMAN TRAVELSTEAD: Other comments on this issue? Pat, do you have what you need to make a motion?

MR. AUGUSTINE: You still want a motion?

CHAIRMAN TRAVELSTEAD: Yes.

MR. AUGUSTINE: **Okay. I'd like to move that the harvest be ended when 85 percent is reached.**

CHAIRMAN TRAVELSTEAD: Is there a second to the motion? Jeff seconded the motion. Pat, do you want to make any further comments?

MR. AUGUSTINE: Well, with the uncertainty of not knowing what could happen in 45 days, I surely do not want to set it at 50 percent. Likewise, would I not want to set at 100 percent, knowing full well that we may have a banner year and go over it.

So, I think we're in a Catch-22 until the determination is made by yourself or your governmental body whether or not they could, indeed, authorize your department to do this statistical job that has to be done.

CHAIRMAN TRAVELSTEAD: Joe, did you have a comment?

MR. SMITH: There was a comment that it doesn't work. It does work. It's just that we're not in the quota monitoring system now. The turn-around time could be a lot faster. Like I said, it's the best vehicle right now for tracking removals by area.

CHAIRMAN TRAVELSTEAD: Bruce.

MR. FREEMAN: Jack, it seems to me that percent could be higher. Just by the admission of industry, they can track it on a daily basis. If they exceed the quota, they are going to be penalized. It may not even be necessary to put a cap on it. I would suggest something closer to 90 or 95 percent.

CHAIRMAN TRAVELSTEAD: Eric.

MR. SMITH: I was actually going to suggest that it ought to be 100 percent, and here's why. It's one business. It's essentially a single-species fishery, a single gear. They go at it. They're sliding into home plate and they know where home plate is.

It's not like it's a mixed species fishery where once you close it, you have incidental catch coming in the other fisheries. None of that applies. As far as I'm concerned, I'd be happy with 100 percent as a start-up mode, and I would suggest the 85 is just not realistic. I would go the other way, frankly.

CHAIRMAN TRAVELSTEAD: Pat.

MR. AUGUSTINE: Thank you for that, Mr. Chairman, and thank you for that information. You're right, they do track it on a daily basis. I would amend that to be 100 percent.

CHAIRMAN TRAVELSTEAD: **Well, you're amending your own motion. Mr. Tinsman, do you agree to that? Okay, so it's a friendly amendment, we're at 100 percent. Any further comments on the motion? Gil.**

MR. POPE: Just very quickly. I think this was worded wrong. It should have been a trigger at some amount, say, 75 percent, where it dropped to a certain — whatever they could do, and it ends at 100 percent.

In other words, I think that was the intent of this, was that you didn't want it to go over, so we have a trigger mechanism that lowered it to a certain amount until they got to the 100 percent. But, like you said, it's only one company, so I'm sure they can take care of that. Thank you.

CHAIRMAN TRAVELSTEAD: All right, any further comments? Seeing none, is there a need to caucus? I don't think so. Can we do this by voice vote? **All those in favor of the motion, say aye;**

opposed, no; abstentions, 2 abstentions; null votes. The motion carries.

Move down to Item 9 in the decision matrix. Is there any motion on age of catch? This is not a requirement. I'm just asking if anybody has a motion on age of catch? Seeing none, monitoring, how should the quota be monitored, Number 10? George.

MR. LAPOINTE: It strikes me that we're going to have to work out the mechanics of that. Nobody has got the wherewithal to say how that should be done, and we just have to put it on our to-do list to have it in place in time.

CHAIRMAN TRAVELSTEAD: Okay, any objection to that? Gordon.

MR. GORDON C. COLVIN: Not specific to monitoring, Mr. Chairman, but my question is whether the addendum makes it sufficiently clear where the responsibility and the compliance responsibility falls for taking action to undertake and enforce a closure when monitoring indicates that 100 percent of the TAL has been landed? Is that laid out now with sufficient specificity; and if not, is it something we need to address?

CHAIRMAN TRAVELSTEAD: Bob.

MR. BEAL: I think the document probably does need more detail is one point. The other point is the reduction harvest in the Chesapeake Bay is only able to be landed in two states. That's where the plants are that can process these catches, North Carolina and Virginia.

I think some work at the staff level, talking to those two states, to seek an appropriate way to monitor that cap and implement necessary closures and restrictions, is probably in order. We can do that in the interim and report back at the annual meeting.

CHAIRMAN TRAVELSTEAD: Let me also say this. Again, because this issue would have to go to the Virginia General Assembly, they are in session only in the month of January and February, and occasionally into March.

When they adopt legislation, it's not effective until July 1st of that year. So, we have between now and then to work out some of these details, I hope, to some degree; or, at least until January. I think we would have time to come back at the November meeting if there's still questions about some of this.

MR. COLVIN: I think that answers my question. I note the motion we passed applies this addendum beginning in 2006, so, clearly, there's time within the early part of 2006 to address it. I just wanted to be sure that we didn't have to put something in the addendum now before we take final action on it, in order to make sure of that.

CHAIRMAN TRAVELSTEAD: Bob.

MR. BEAL: Gordon, I think the compliance criteria will be that the states with the capacity to reduce menhaden, essentially, will have to close or have a mechanism and the ability to close when the quota is landed.

Then those states would need to bring forward implementation plans to achieve that compliance criteria. That's the ongoing discussions we'll have between the staff and the states and report back to this management board.

CHAIRMAN TRAVELSTEAD: All right, ready to move on to Item 11, recreational catch? Is there a motion in that area? Pat.

MR. AUGUSTINE: Mr. Chairman, a place to include that would be in the MRFSS Survey? Would that be the most appropriate place for it to show up, so it would require another line item.

MS. WALLACE: Actually, I just realized that because we're talking about the gears included, this might have already been covered in gears included with the reduction fishery only, so I'm not sure this recreational catch needs to be decided on at this point anymore. We've already decided on the gears.

CHAIRMAN TRAVELSTEAD: Is there anybody objection to that interpretation? Gordon.

MR. COLVIN: Mr. Chairman, I certainly don't object to that interpretation. I would point out that somewhat surprisingly the issue of accounting for all removals from the population, including those that might occur by recreational fishermen, that harvesting menhaden for bait became the most hotly debated issue at our public hearing. It was quite interesting.

There certainly was support for getting at it. In the course of the discussion at our hearing, it was pointed out that at present the Marine Recreational Fishery

Statistics Survey instrument, the document by which the survey intercepts are done does not include menhaden, that anglers are not asked if they harvested any menhaden.

If there's interest in this, it might be worthwhile to suggest that the MRFSS survey instrument could add menhaden and at least such harvest as there is might ultimately be accounted for in that fashion.

I suspect that may well be a more categorical problem with MRFSS in terms of getting information from anglers about the bait that they harvest themselves, of a number of varieties. It's something to think about and perhaps to refer to others for technical advice.

CHAIRMAN TRAVELSTEAD: I think we can certainly do that, if no one objects to that.

MR. LAPOINTE: And those people who do check off menhaden as a recreational fisherman be counseled.

CHAIRMAN TRAVELSTEAD: I agree. Bruce.

MR. FREEMAN: This issue of recreational harvest, in our area probably the great majority is done with cast nets. I suspect NMFS does not get that at all. I am just pondering whether if you're going to do this and you're trying to find out the true harvest on the recreational side, you better give some thought to it, and it's going to be more than just adding a question to the MRFSS survey.

CHAIRMAN TRAVELSTEAD: Vince.

EXECUTIVE DIRECTOR O'SHEA: This probably isn't helpful, but it's going to come at a cost of data you're trying to collect on a lot of other species at times that has driven the commission to great concern; for example, improving MRFSS survey on fluke and some of the other species as well.

There's going to be tradeoffs. I'm not sure how we evaluate the tradeoffs in using limited resources. I think we ought to go into this with our eyes open on the full impacts of deciding to do this.

C HAIRMAN TRAVELSTEAD: Thank you. Can we move on? Item 12, can I get a motion to support the research agenda outlined in Addendum 2?

Thank you. The motion was made by Bill Goldsborough; seconded by John Nelson. Is there any discussion on the motion? Hearing none, all those in favor of the motion, say aye; opposed, no; abstentions; null votes. The motion carries.

Nancy says that does it for the addendum. We need a final motion to accept the addendum. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move to accept the final addendum with changes as noted.

CHAIRMAN TRAVELSTEAD: Seconded by Patten White. Discussion on the motion? All those in favor of the motion, say aye; opposed, no; abstentions; null votes. The motion carries.

Is there any further business to come before the board? I have been silent all day long. Let me just end on this note. I don't know where Virginia will end up in compliance on this management plan.

As I have said, the Virginia General Assembly is responsible for management of that species in Virginia. We will have to have, certainly, some long discussions with them. I can't begin to guess where we might end up.

I do believe it's unfortunate that we have ended up where we have today. I had hoped that the industry proposal would have moved forward. I thought it was an opportunity to work with the industry, and, quite frankly, more importantly, get a rock-solid assurance that the research would be done, which is what we really need.

The debate was so long today for one reason, and that is because we don't have answers to the questions we need. I am concerned that by what we did today, that we will lose the industry's support to assist us in that research agenda.

I would appeal to them to reconsider that issue and continue to help this board move forward with getting the answers that we need to make our decisions so much easier. That's all I have to say. Is there anything further?

MR. AUGUSTINE: Jack, you did a fantastic job shepherding us through this very, very difficult time. There were many emotional comments made out there, the scientific information was questioned, our technical committee chairman did an outstanding job, Nancy did a great job, and I think if

all our boards ran like this, we would move along very quickly in any other plans that we have issues with. You're to be congratulated on great job.

ADJOURNMENT

CHAIRMAN TRAVELSTEAD: Thank you. We are adjourned. My apologies to the Lobster Board.

(Whereupon, the meeting was adjourned at 4:35 o'clock p.m., August 17, 2005.)
